

# CITY COUNCIL REPORT



MEETING DATE: December 9, 2003

ITEM NO. 23 GOAL: Coordinate Planning to Balance Infrastructure

## SUBJECT

Use Permit For Bars, After hours establishments

## REQUEST

Request to approve:

1. A Text Amendment to amend Ordinance 455 (Zoning Ordinance) Article I., Administration and Procedures., Section 1.403. Additional conditions for specific conditional uses.; Article III. Definitions.; Article V. Section. 5.1200. (C-S) Regional Shopping Center., Sec. 5.1300. (C-1) Neighborhood Commercial District., Sec. 5.1400. (C-2) Central Business District., Sec. 5.1500. (C-3) Highway Commercial District., Sec. 5.2400. (P.N.C.) Planned Neighborhood Center., Sec. 5.2500. (P.C.C.) Planned Community Center., Sec. 2.600. (P.R.C.) Planned Regional Center., Sec. 5.2700. (P.Co.C.) Planned Convenience Center.; Sec. 5.2800 (W.P.) Western Theme Park District.; Article VII. General Provisions.; .
2. To adopt Ordinance No. 3542 affirming the above text amendment.
3. Adopt Resolution No. 6418 declaring the above text amendment a public record.

3-TA-2003

### Key Items for Consideration:

- Requires all bars to obtain a Conditional Use Permit.
- Requires all after hours establishments to obtain a Conditional Use Permit.
- The Planning Commission recommends approval, 6-0.

## APPLICANT CONTACT

Kira Wauwie  
City of Scottsdale  
480-312-7061

## LOCATION

The bars and after hours establishments apply Citywide.

## BACKGROUND

Conditional Use Permits are required for uses that the city has determined are generally appropriate in a zoning district, but because of potential impacts that could result from these uses they require specific approval by the City Council. Currently bars and after-hours establishments have been allowed "by right" in several commercial and planned districts. Recently the City Council determined that bars and after-hours uses in the Downtown area would require use permits and directed staff to prepare an amendment to require use permits for these uses throughout the city.

## APPLICANT'S PROPOSAL AND IMPACT ANALYSIS

Conditions maybe attached to use permits approved by the City Council. Under this proposal, these conditions would include mitigating impacts from lighting and noise, providing adequate parking and refuse, buffering from residential uses, security and traffic control. The existing criteria of the

Downtown Overlay district have been moved to the Conditional Use Permits section of the Zoning Ordinance since the regulation is intended to apply throughout the City.

In addition, the Downtown Overlay criteria has been maintained and expanded to make the criteria responsive to various site locations throughout the City for consideration of potential impacts on commercial urban and suburban or residential areas.

This will result in these uses needing to come to the City for approval. In addition, the community should realize a greater ability to influence the operation and reduce any negative impacts from these uses.

**COMMUNITY  
INVOLVEMENT**

Three open houses were held during the development of this Text Amendment. Input has generally been positive.

**OTHER BOARDS AND  
COMMISSIONS****Planning Commission.**

At the November 19, 2003 Planning Commission hearing this case was considered with 2-TA-2003. The following is a summary of the discussion at that meeting:

- Conditional Use Permits would be required for new bars.
- The Conditional Use Permit is site specific, remains with a site and does not transfer to other properties and does not transfer with people/owners.
- Existing bars would be legally established; non-conforming and any change in bar size/area would require a Conditional Use Permit.
- Any existing business such as a restaurant that changes operations or other facets of the business such that the business operates as a bar would need to obtain a Conditional Use Permit.
- The bar use is not tied to the Liquor License because the qualifications of approving a Liquor License are determined based upon a person, and not land use criteria.

The Planning Commission considered this request with 2-TA-2003 and recommends to the City Council approval by a vote of 6-0.

**STAFF  
RECOMMENDATION**

**Recommended Approach:**  
Staff recommends approval.

**RESPONSIBLE  
DEPT(S)**

**Planning and Development Services Department**  
Current Planning Services

**STAFF CONTACT(S)**

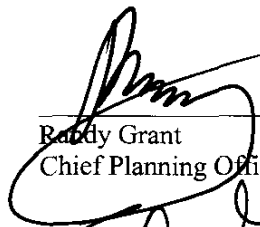
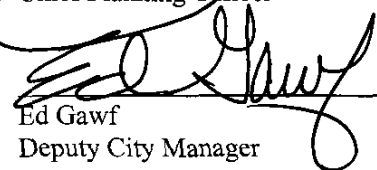
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Chief Planning Officer  
480-312-7995

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**APPROVED BY**

 _____ Randy Grant Chief Planning Officer	<u>11/17/03</u> _____ Date
 _____ Ed Gawf Deputy City Manager	<u>11/22/03</u> _____ Date

**ATTACHMENTS**

1. Text Amendment
  2. Citizen Involvement
  3. November 19, 2003 Draft Planning Commission Minutes
  4. Ordinance No. 3542
  5. Resolution No. 6418
- Exhibit 1. Ordinance Language

Proposed Ordinance Language

Note: Text format conventions:

- **PROPOSED NEW LANGUAGE**
- Existing language
- ~~Deleted Existing Language~~
- ~~Language deleted by staff after Planning Commission hearing upon consideration of City Attorney and Planning Commission hearing comments.~~
- **PROPOSED LANGUAGE ADDED BY STAFF AFTER PLANNING COMMISSION HEARING UPON CONSIDERATION OF CITY ATTORNEY AND PLANNING COMMISSION COMMENTS.**

Article I.

Administration And Procedures

Sec. 1.403. Additional conditions for specific conditional uses.

**D. BARS, COCKTAIL LOUNGES, AND/OR AFTER HOURS ESTABLISHMENTS.**

~~1. IF THE SITE IS LOCATED WITHIN A COMMERCIAL OR DOWNTOWN AREA THEN:~~

~~a.1.~~ **1. THE USE SHALL NOT DISRUPT EXISTING BALANCE OF DAYTIME AND NIGHTTIME USES.**

~~b.2.~~ **2. THE USE SHALL NOT DISRUPT PEDESTRIAN-ORIENTED DAYTIME ACTIVITIES.**

~~23.~~ **3. IF THE SITE IS LOCATED WITHIN A DOWNTOWN AREA THEN:**

a. **THE USE SHALL NOT ENCOURAGE DISPLACEMENT OF DAYTIME RETAIL USES UNLESS IT CAN BE DEMONSTRATED THAT THE PROPOSED USE SHALL PROMOTE DIVERSITY OF FIRST FLOOR USES ALONG THE STREET.**

b. **THE REQUIRED PARKING FOR THE USE SHALL BE WITHIN 600 FEET OF THE PROPERTY AND SHALL NOT BE SEPARATED FROM THE PROPERTY BY AN MAJOR OR MINOR ARTERIAL STREET.**

~~34.~~ **4. IF THE SITE USE IS LOCATED WITHIN CLOSE PROXIMITY 750 FEET OF A RESIDENTIAL USE OR AREA DISTRICT THEN:**

a. **THE USE SHALL NOT ADVERSELY IMPACT RESIDENTIAL USES.**

b. **THE USE SHALL PROVIDE METHODS OF BUFFERING RESIDENTIAL USES.**

~~45.~~ **5. AN ACTIVE MANAGEMENT AND SECURITY PLAN SHALL BE CREATED, APPROVED, ~~MAINTAINED~~, IMPLEMENTED, MAINTAINED, AND ENFORCED FOR THE BUSINESS.**

~~56.~~ **6. THE APPLICANT SHALL PROVIDE, WITH THE APPLICATION FOR A CONDITIONAL USE PERMIT, A WRITTEN EXTERIOR REFUSE CONTROL PLAN WHICH MUST BE APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT STAFF AS COMPLYING WITH THE WRITTEN GUIDELINES OF THE DEPARTMENT.**

~~67.~~ **7. THE APPLICANT SHALL DEMONSTRATE HOW NOISE AND LIGHT GENERATED BY THE USE SHALL BE MITIGATED.**

- 78. THE APPLICANT SHALL DEMONSTRATE THAT THE USE SHALL NOT EXCEED CAPACITY FOR TRAFFIC AND PARKING IN THE AREA.**
- 89. AFTER HOURS ESTABLISHMENTS MUST MAINTAIN A VALID AFTER HOURS ESTABLISHMENT LICENSE.**

Article III.

Definitions.

Sec. 3.100. General.

For the purpose of this ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural, and the plural shall include the singular; the word "building" shall include the word "structure", and the word "lot" shall include the word "plot"; the word "may" is permissive, and the word "shall" is mandatory, further the word "or" shall mean "either" and the word "and" shall mean "in conjunction with."

***AFTER HOURS ESTABLISHMENT* INCLUDES ANY BUSINESS WHICH IS OPEN TO PATRONS DURING THE HOURS OF 1:00 A.M. TO 6:00 A.M. WHICH IS THE BUSINESS PREMISES OF A STATE ON-SALE RETAIL LIQUOR LICENSEE AND WHERE DANCING OR LIVE ENTERTAINMENT OCCURS.**

~~*Bar or cocktail lounge* shall mean an establishment whose primary business is the serving of alcoholic beverages to the public for consumption on the premises.~~

***BAR OR COCKTAIL LOUNGE* INCLUDES ANY BUSINESS THAT OFFERS ALCOHOLIC BEVERAGES FOR SALE, IS NOT AN ACCESSORY USE TO A HOTEL, AND MEETS ANY OF THE FOLLOWING CRITERIA:**

- A. THE BAR SERVICE AREA IS IN EXCESS OF FIFTEEN (15)% OF THE GROSS FLOOR AREA.**
- B. THE KITCHEN IS LESS THAN FIFTEEN (15)% OF THE GROSS FLOOR AREA.**
- C. AGE VERIFICATION IS REQUESTED FOR ADMITTANCE.**
- D. A COVER CHARGE IS REQUIRED FOR ADMITTANCE, EXCEPT FOR SPECIAL EVENTS AS PERMITTED THROUGH THE CITY'S SPECIAL EVENT PERMIT PROCESS.**
- E. LESS THAN FORTY (40) PERCENT OF GROSS REVENUES ARE DERIVED FROM THE SALE OF PREPARED FOOD.**
- F. THE BUSINESS REMAINS OPEN AND LIQUOR SALES CONTINUE BUT THE FULL KITCHEN CLOSSES BEFORE NINE (9) PM.**

**BAR SERVICE AREA INCLUDES THE FLOOR AREAS UNDER INDOOR AND OUTDOOR BARS COUNTER TOPS AND THE FLOOR AREA BEHIND THE BARS COUNTER TOPS USED FOR THE STORAGE, PREPARATION AND SERVING OF FOOD OR DRINKS.**

**KITCHEN INCLUDES ONLY THOSE AREAS USED FOR THE PREPARATION AND COOKING OF FOOD AND DISHWASHING INCLUDING ALL AREAS ACCESSORY THERETO, AND NOT INCLUDING WALK-IN REFRIGERATORS OR COLD STORAGE ROOMS OR ROOMS AREAS FOR THE STORAGE OF FOOD OR BEVERAGES.**

Article V.

District Regulations.

Sec. 5.1200. (C-S) Regional Shopping Center.

Sec. 5.1201. Purpose.

This district is intended to provide for well-designed shopping facilities which serve a large regional area. Area zoned C-S should be recognized as substantial traffic generators and should be located at the intersection of two (2) major arterials.

It is intended that the (C-S) regional shopping center district shall be laid out and developed as a unit according to an approved plan so that the purpose of the district may be accomplished.

Sec. 5.1202. Approvals required.

No structure or building shall be built or remodeled upon land in the C-S district until Development Review [Board] approval has been obtained as outlined in article I, section 1.900 hereof.

Sec. 5.1203. Use regulations.

A. *Permitted uses.* Buildings, structures or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:

1. Business and professional.
  - a. Medical or dental office with laboratory.
  - b. Professional and business offices.
  - c. Travel agencies.
  - d. Municipal uses.

- e. Private and charter school having no room regularly used for housing or sleeping overnight. Subject to Development Review Board approval and compliance with standards including, but not limited to, the following as well as those otherwise required in the district.
- (1) Location: All proposed private and charter schools shall be located a minimum of five hundred (500) feet from any adult use.
  - (2) Lot area: The minimum lot area shall be equal to that required for the district, except that no lot shall be less than forty-three thousand (43,000) square feet (net).
  - (3) There shall be no outside speaker system or bells, if the school building is within one hundred (100) feet of a single-family dwelling or multifamily dwelling unit.
  - (4) Open space: Per underlying zoning district open space requirements. All NAOS requirements of the district must be met and may be applied towards the overall open space requirements subject to compliance with NAOS standards.
  - (5) Parking: Parking shall observe the front yard setbacks of the district for all frontages. One-third ( 1/3) of the required parking may be shared parking with other establishments present on site. Parking shall be located and screened per the requirements of the district.
  - (6) Outdoor recreation area: All outdoor playgrounds and recreation areas shall be enclosed by a wall or fence sufficient in height to protect the safety and welfare of the students, and shall be located within the side or rear yard. Any playground or outdoor recreation area shall be located a minimum of fifty (50) feet from any residential district and screened by a minimum six-foot high wall.
  - (7) Drop off area: A drop off area accommodating a minimum of five (5) vehicles shall be located along a sidewalk or landing area connected to the main entrance to the school. This area shall not include internal site traffic aisles, parking spaces, fire lanes, etc.
  - (8) Any public trails or pedestrian connections shall be incorporated into the site plan and approved by the Development Review Board.
  - (9) Circulation plan: The applicant shall submit a circulation plan to insure minimal conflicts between the student drop-off area, potential van and bus drop-off area, parking, access driveways, pedestrian and bicycle paths on site.

2. Retail sales.

- a. Appliance store including repair of small or household appliances.
- b. Art gallery.
- c. Bakery.
- d. Bicycle store.
- e. Big box. Any single retail space (limited to permitted retail uses in this C-S district) with a building footprint of equal to or greater than seventy-five thousand (75,000) square feet, if:

- (1) Primary access is not on a local collector\* street; and
- (2) Residential zoned property is not located within One thousand three hundred (1,300) feet of the Big box property line (except residential zoned properties separated from the Big box by the Pima Freeway or developed with non-residential uses).

However, big box is not permitted in the Environmentally Sensitive Lands Supplementary District.

Also See Sections 1.403 and 5.1203.B.

- f. Candy shop including the making of candy.
- g. Carpet and floor covering store.
- h. Clothing store.
- i. Delicatessen.
- j. Department store.
- k. Drugstore.
- l. Furniture store.
- m. Gift shop, bookstore.
- n. Grocery store.
- o. Hardware store.
- p. Ice cream parlor including the making of ice cream.

- q. Import, export shop.
- r. Jewelry store.
- s. Liquor store.
- t. Photographic shop.
- u. Plant nursery.
- v. Record shop.
- w. Shoe store.
- x. Sporting goods store.
- y. Stationery store.
- z. Variety store.

3. Service.

- a. Bank.
- b. Barbershop.
- c. Beauty shop.
- d. Bowling alley.
- e. Churches and places of worship.
- f. Cleaning and pressing agencies.
- ~~g. Cocktail lounge without live entertainment.~~
- hg. Coffee shop, cafe, cafeteria.
- ih. Day care center, if the drop off or outdoor play area is more than one hundred (100) feet from a residential district.
- ji. Finance company office.
- kj. Personal wireless service facilities; minor, subject to the requirements of sections 1.906, 3.100 and 7.200.
- lk. Printing, lithography or photostating establishment.

- ml. Recyclable material collection center.
- nm. Savings and loan office.
- on. Shoe repair shop.
- po. Theater.

**B. *Uses permitted by conditional use permit.***

- 1. Automotive center.
- 2. Big box. Any single retail space (limited to permitted retail uses in this C-S district) with a building footprint of equal to or greater than seventy-five thousand (75,000) square feet, if:
  - a. Primary access is on a local residential street; or
  - b. Residential zoned property is located within one thousand three hundred (1,300) feet of the Big box property line (except residential zoned properties separated from the Big box by the Pima Freeway or developed with non-residential uses).

However, Big box is not permitted in the Environmentally Sensitive Lands Supplementary District.

For Use Permit Provisions and Criteria, See Section 1.403.

**3. COCKTAIL LOUNGE (SEE SECTION 1.403 FOR CRITERIA).**

- 34. Day care center, if the drop off or outdoor play area is within one hundred (100) feet from a residential district (see section 1.403 for criteria).
- 45. Drive-in or drive-thru restaurant.
- 56. Game center.
- 67. Gasoline service station (see section 1.403 for criteria).
- 78. Live entertainment (see section 1.403 for criteria).
- 89. Personal wireless service facilities; major, subject to the requirements of sections 1.400, 3.100 and 7.200.
- 910. Self-service carwash.

Sec. 5.1400. (C-2) CENTRAL BUSINESS DISTRICT.

Sec. 5.1401. Purpose.

This district is intended to permit all uses permitted in the (C-1) neighborhood commercial district, plus commercial activities designed to serve the community. This district includes uses usually associated with the central business district and shopping facilities which are not ordinarily compatible with residential development.

Sec. 5.1402. Approvals required.

No structure or building shall be built or remodeled upon land in the C-2 district until Development Review [Board] approval has been obtained as outlined in article I, section 1.900 hereof.

Sec. 5.1403. Use regulations.

A. *Uses permitted.* Buildings, structures, or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:

1. Business and professional services.
  - a. Business and professional offices.
  - b. Business schools.
  - c. Hospital for animals including boarding and lodging provided that there are no open kennels maintained and provided all activities will be conducted in soundproof buildings.
  - d. Medical or dental offices including laboratory.
  - e. Museum.
  - f. Optician.
  - g. Municipal uses.
  - h. Private and charter school having no room regularly used for housing or sleeping overnight. Subject to Development Review Board approval and compliance with standards including, but not limited to, the following as well as those otherwise required in the district.
    - (1) Location: All proposed private and charter schools shall be located a minimum of five hundred (500) feet from any adult use.
    - (2) Lot area: The minimum lot area shall be equal to that required for the district, except that no lot shall be less than forty-three thousand (43,000) square feet (net).

- (3) There shall be no outside speaker system or bells, if the school building is within one hundred (100) feet of a single-family dwelling or multifamily dwelling unit.
  - (4) Open space: Per underlying zoning district open space requirements. All NAOS requirements of the district must be met and may be applied towards the overall open space requirement subject to compliance with NAOS standards.
  - (5) Parking: Parking shall observe the front yard setbacks of the district for all frontages. One-third ( 1/3) of the required parking may be shared parking with other establishments present on site. Parking shall be located and screened per the requirements of the district.
  - (6) Outdoor recreation area: All outdoor playgrounds and recreation areas shall be enclosed by a wall or fence sufficient in height to protect the safety and welfare of the students and shall be located within the side or rear yard. Any playground or outdoor recreation area shall be located a minimum of fifty (50) feet from any residential district and screened by a minimum six-foot high wall.
  - (7) Drop-off area: A drop-off area accommodating a minimum of five (5) vehicles shall be located along a sidewalk or landing area connected to the main entrance to the school. This area shall not include internal site traffic aisles, parking spaces, fire lanes, etc.
  - (8) Any public trails or pedestrian connections shall be incorporated into the site plan and approved by the Development Review Board.
  - (9) Circulation plan: The applicant shall submit a circulation plan to insure minimal conflicts between the student drop-off area, potential van and bus drop-off area, parking, access driveways, pedestrian and bicycle paths on site.
- i. Studio for professional work or teaching of any form of commercial or fine arts.
- 2. Residential.
    - a. Dwelling units physically integrated with commercial establishments (limited to one (1) dwelling unit for each business establishment).
  - 3. Retail sales.
    - a. Antique store.

- b. Appliance store.
- c. Art gallery.
- d. Automobile parts store.
- e. Bakery.

~~f. Bars and cocktail lounges without live entertainment.~~

gf. Bicycle store.

hg. Big box. Any single retail space (limited to permitted retail uses in this C-2 district) with a building footprint of equal to or greater than seventy-five thousand (75,000) square feet, if:

- (1) Primary access is not on a local collector\* street; and
- (2) Residential zoned property is not located within one thousand three hundred (1,300) feet of the Big box property line (except residential zoned properties separated from the Big box by the Pima Freeway or developed with non-residential uses).

However, big box is not permitted in the Environmentally Sensitive Lands Supplementary District.

Also See Sections 1.403 and 5.1403.B.

ih. Bookstore.

ji. Camera store.

kj. Candy store.

lk. Carpet and floor covering store.

ml. Clothing store.

nm. Craft shop conducted in conjunction with retail business which may include ceramics, mosaics, fabrics, jewelry, leather goods, silk screening, dress designing, sculpturing and wood carving.

on. Department store.

po. Drugstore.

qp. Electronic equipment store.

- rq.** Fabric store.
- sr.** Florist.
- ts.** Furniture store.
- ut.** Gift shop.
- vu.** Grocery store or supermarket.
- wv.** Gun shop.
- xw.** Hardware store.
- yx.** Hobby or toy store.
- zy.** Home improvement store.
- aaz.** Ice cream store.
- bbaa.** Import store.
- eebb.** Liquor store.
- ddcc.** Music store.
- eedd.** Pawnshop.
- ffee.** Pet shop.
- ggff.** Restaurants, excluding drive-in or drive-through types.
- hhgg.** Sporting goods store.
- ihhh.** Stationery store.
- jjii.** Swimming pool supply store.
- kkjj.** Variety store.
- kkkk.** Restaurant with associated microbrewery where brewed beer is consumed only on-premises and brewery occupies no more than fifteen (15) percent of the floor area of the establishment.

4. Services.

- a. Appliance repair.

- b. Bank.
  - c. Barber or beauty shop.
  - d. Bowling alley.
  - e. Broadcasting station and studio, radio or television excluding transmitting or receiving towers.
  - f. Clothes cleaning agencies and laundromats excluding industrial cleaning and dyeing plants.
  - g. Fitness studio.
  - h. Hotel, motel, and timeshare project.
  - i. Movie theater (indoor only).
  - j. Post office.
  - k. Printing, lithography, publishing or photostating establishment.
  - l. Fraternities and sororities.
  - m. Shoe repair.
  - n. Taxidermist.
  - o. Telephone answering service.
  - p. Turkish bath that may include masseur and/or masseuse.
5. Other uses.
- a. Accessory buildings.
  - b. Churches and places of worship.
  - c. Day care center, if the drop off or outdoor play area is more than one hundred (100) feet from a residential district.
  - d. Personal wireless service facilities; minor, subject to the requirements of sections 1.906, 3.100 and 7.200.
  - e. Temporary buildings for uses incidental to construction work, to be removed upon completion or abandonment of construction work.
- B. *Uses permitted by a conditional use permit.*

1. Adult uses (see section 1.403 for criteria).
2. Automated carwash.
3. **BARS AND COCKTAIL LOUNGES (SEE SECTION 1.403 FOR CRITERIA).**
34. Big box. Any single retail space (limited to permitted retail uses in this C-2 district) with a building footprint of equal to or greater than seventy-five thousand (75,000) square feet, if:
  - a. Primary access is on a local residential street; or
  - b. Residential zoned property is located within one thousand three hundred (1,300) feet of the Big box property line (except residential zoned properties separated from the Big box by the Pima Freeway or developed with non-residential uses).

However, Big box is not permitted in the Environmentally Sensitive Lands Supplementary District.

For Use Permit Provisions and Criteria, See Section 1.403.

45. Bus station, excluding overnight parking and storage of buses.
56. Day care center, if the drop off or outdoor play area is within one hundred (100) feet from a residential district (see section 1.403 for criteria).
67. Funeral home and chapel.
78. Game center.
89. Gasoline service station (see section 1.403 for criteria).
910. Health studio.
1011. Live entertainment (see section 1.403 for criteria).
1112. Personal wireless service facilities; major, subject to the requirements of sections 1.400, 3.100 and 7.200.
1213. Plant nursery (see section 1.403 for criteria).
1314. Pool hall.
1415. Residential health care facility (see section 1.403 for criteria).

- ~~1516.~~ Teen dance center (see section 1.403 for criteria).
- ~~1617.~~ Internalized community storage (see section 1.403 for criteria).
- ~~1718.~~ Restaurant with associated microbrewery with limited wholesale and retail sales of the brewed product, where the floor area utilized for brewing, bottling and/or packaging occupies no more than thirty (30) percent of the floor area of the establishment.
- ~~1819.~~ Seasonal art festival.

Sec. 5.1500. (C-3) Highway Commercial District.

Sec. 5.1501. Purpose.

This district is intended to permit most types of commercial activities and includes the sale of commodities or performance of services for a larger segment of population than the average neighborhood. This district is designed for application on major streets or portions thereof.

Sec. 5.1502. Approvals Required.

No structure or building shall be built or remodeled upon land in the C-3 district until Development Review [Board] approval has been obtained as outlined in article I, section 1.900 hereof.

Sec. 5.1503. Use regulations.

A. *Permitted uses.* Buildings, structures, or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:

1. Business and professional services.
  - a. Business and professional offices.
  - b. Business schools.
  - c. Hospitals for animals including boarding and lodging; provided that there shall be no open kennels maintained and provided that all facilities will be in soundproof buildings.
  - d. Medical or dental office including laboratory.
  - e. Optician.
  - f. Studio for professional work or teaching of any form of commercial or fine arts.

- g. Municipal uses.
- h. Private and charter school having no room regularly used for housing or sleeping overnight. Subject to Development Review Board approval and compliance with standards including, but not limited to, the following as well as those otherwise required in the district.
  - (1) Location: All proposed private and charter schools shall be located a minimum of five hundred (500) feet from any adult use.
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  - (3) There shall be no outside speaker system or bells, if the school building is within one hundred (100) feet of a single-family dwelling or multifamily dwelling unit.
  - (4) Open space: Per underlying zoning district open space requirements. All NAOS requirements of the district must be met and may be applied towards the overall open space requirements subject to compliance with NAOS standards.
  - (5) Parking: Parking shall observe the front yard setbacks of the district for all frontages. One-third ( 1/3) of the required parking may be shared parking with other establishments present on site. Parking shall be located and screened per the requirements of the district.
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  - (7) Drop-off area: A drop-off area accommodating a minimum of five (5) vehicles shall be located along a sidewalk or landing area connected to the main entrance to the school. This area shall not include internal site traffic aisles, parking spaces, fire lanes, etc.
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  - (9) Circulation plan: The applicant shall submit a circulation plan to insure minimal conflicts between the student drop-off area, potential van and bus drop-off area, parking, access driveways,

pedestrian and bicycle paths on site.

2. Retail sales.

- a. Antique store.
- b. Appliance store.
- c. Art gallery.
- d. Automobile parts store.
- e. Awning or canvas sales store.
- f. Bakery.

~~g. Bars and cocktail lounges without live entertainment.~~

hg. Bicycle store.

ih. Big box. Any single retail space (limited to permitted retail uses in this C-3 district) with a building footprint of equal to or greater than seventy-five thousand (75,000) square feet, if:

- (1) Primary access is not on a local collector street; and
- (2) Residential zoned property is not located within one thousand three hundred (1,300) feet of the Big box property line (except residential zoned properties separated from the Big box by the Pima Freeway or developed with non-residential uses).

However, Big box is not permitted in the Environmentally Sensitive Lands Supplementary District.

Also See Sections 1.403 and 5.1503.B.

ji. Bookstore.

kj. Camera store.

lk. Candy store.

ml. Carpet and floor covering store.

nm. Clothing store.

en. Craft shop conducted in conjunction with retail business which may include ceramics, mosaics, fabrics, jewelry, leather goods, silk screening,

dress designing, sculpturing and wood carving.

- po. Department store.
- qp. Drugstore.
- rq. Electronic equipment store.
- sr. Fabric store.
- ts. Feed store.
- ut. Florist.
- vu. Furniture store.
- wv. Gift shop.
- xw. Grocery store or supermarket.
- yx. Gun shop.
- zy. Hardware store.
- aaz. Hobby or toy store.
- bbaa. Home improvement store.
- eebb. Ice cream store.
- ddcc. Ice distributing station.
- eedd. Import store.
- ffee. Jewelry store.
- ggff. Liquor store.
- hhgg. Music store.
- iihh. Pawnshop.
- jjii. Pet shop.
- kkjj. Plant nursery.
- lkkk. Restaurant.

~~mm~~ll. Restaurant, drive-through and drive-in.

~~mmm~~. Sporting good store.

~~enn~~. Stationery store.

~~pp~~oo. Swimming pool supply store.

~~qq~~pp. Variety store.

~~rq~~q. Restaurant with associated microbrewery where brewed beer is consumed only on-premises and brewery occupies no more than fifteen (15) percent of the floor area of the establishment.

3. Wholesale sales. Wholesale sales of any commodity allowed as retail sales in the C-3 district.

4. Services.

a. Animal boarding kennel, provided that there shall be no open kennels maintained and provided that all facilities will be in soundproof buildings.

b. Appliance repair.

c. Bank.

d. Barber or beauty shop.

e. Bowling alley.

f. Broadcasting station and studio, radio or television excluding sending or receiving tower except as provided in section 5.1503B.

g. Clothes cleaning agencies and laundromats, excluding industrial cleaning and dyeing plants.

h. Coin-operated carwash.

i. Fitness studio.

j. Frozen food locker.

k. Gymnasium, racquet, paddle or handball courts.

l. Hotel, motel, and timeshare project.

m. Movie theater (indoor only).

- n. Museum.
  - o. Post office.
  - p. Printing, lithography, publishing or photostating establishment.
  - q. Private clubs, fraternities, sororities and lodges.
  - r. Recyclable material collection center.
  - s. Shoe repair shop.
  - t. Swimming pool sales office, including display pools only; but excluding construction equipment storage yard.
  - u. Taxidermist.
  - v. Telephone answering service.
  - w. Turkish bath that may include masseur and/or masseuse.
  - x. Upholstery shop, furniture, provided all activity and storage is within a completely enclosed building.
5. Other uses.
- a. Accessory buildings.
  - b. Churches and places of worship.
  - c. Day care center, if the drop off or outdoor play area is more than one hundred (100) feet from a residential district.
  - d. Personal wireless service facilities; minor, subject to the requirements of sections 1.906, 3.100 and 7.200.
  - e. Temporary buildings for uses incidental to construction work, to be removed upon completion or abandonment of construction work.
- B. *Uses permitted by a conditional use permit.*
- 1. Adult uses (see section 1.403 for criteria).
  - 2. Amusement park.
  - 3. Automated carwash.
  - 4. Automobile rental or leasing (see section 1.403 for criteria regarding outdoor

vehicular display).

5. Automobile sales, new (see section 1.403 for criteria regarding outdoor vehicular display).
6. Automobile sales, used (see section 1.403 for criteria regarding outdoor vehicular display).
7. Automotive repair, excluding body and paint shops (see section 1.403 for criteria regarding outdoor vehicular display).
8. **BARS AND COCKTAIL LOUNGES (SEE SECTION 1.403 FOR CRITERIA).**
89. Big box. Any single retail space (limited to permitted retail uses in this C-3 district) with a building footprint of equal to or greater than seventy-five thousand (75,000) square feet, if:
  - a. Primary access is on a local residential street; or
  - b. Residential zoned property is located within one thousand three hundred (1,300) feet of the Big box property line (except residential zoned properties separated from the Big box by the Pima Freeway or developed with non-residential uses).

However, Big box is not permitted in the Environmentally Sensitive Lands Supplementary District.

For Use Permit Provisions and Criteria, See Section 1.403.

910. Boat sales (see section 1.403 for criteria regarding outdoor vehicular display).
- ~~1011.~~ Bus station, excluding overnight parking and storage of buses.
- ~~1112.~~ Commercial parking lot.
- ~~1213.~~ Community buildings and recreational facilities not publicly owned.
- ~~1314.~~ Day care center, if the drop off or outdoor play area is within one hundred (100) feet of a residential district (see section 1.403 for criteria).
- ~~1415.~~ Drive-in theater.
- ~~1516.~~ Equipment sales rental and storage yard (see section 1.403 for criteria regarding outdoor vehicular display).
- ~~1617.~~ Funeral home and chapel.

- ~~1718~~. Game center.
- ~~1819~~. Gasoline service station (see section 1.403 for criteria).
- ~~1920~~. Health studio.
- ~~2021~~. Live entertainment (see section 1.403 for criteria).
- ~~2122~~. Miniature golf course.
- ~~2223~~. Motorcycle sales (see section 1.403 for criteria regarding outdoor vehicular display).
- ~~2324~~. Outdoor sales display area.
- ~~2425~~. Personal wireless service facilities; major, subject to the requirements of sections 1.400, 3.100 and 7.200.
- ~~2526~~. Pool hall.
- ~~2627~~. Recreational vehicle and camper sales (see section 1.403 for criteria regarding outdoor vehicular display).
- ~~2728~~. Residential health care facility (see section 1.403 for criteria).
- ~~2829~~. Sports arena.
- ~~2930~~. Teen dance center (see section 1.403 for criteria).
- ~~3031~~. Tire store excluding retreading.
- ~~3132~~. Unoccupied recreational vehicle storage.
- ~~3233~~. Upholstery shop, automotive.
- ~~3334~~. Internalized community storage (see section 1.403 for criteria).
- ~~3435~~. Restaurant with associated microbrewery with limited wholesale and retail sales of the brewed product, where the floor area utilized for brewing, bottling and/or packaging occupies no more than thirty (30) percent of the floor area of the establishment.
- ~~3536~~. Seasonal art festival.

Sec. 5.2500. (P.C.C.) Planned Community Center.

Sec. 5.2501. Purpose.

The purpose of the planned community center district is to provide for a larger variety of goods than is normally found in a typical neighborhood shopping center. It is further intended to provide for a group of shoppers' goods; personal, professional, repair, business and financial services. It is also intended to promote a more economical and efficient use of the land by permitting residential uses to allow a balance of day and nighttime activity.

Sec. 5.2502. Approvals required.

A. Any application for rezoning to P.C.C. shall be accompanied by a site plan which reflects all criteria of the P.C.C. district.

B. No structure or building shall be built or remodeled upon land in the P.C.C. district until Development Review [Board] approval has been obtained as outlined in article I, section 1.900.

Sec. 5.2503. Use regulations.

A. *Permitted uses.* Buildings, structures, or premises shall be used and buildings and structure shall hereafter be erected, altered or enlarged for the following uses:

1. Business and professional services.
  - a. Business and professional office.
  - b. Hospital for animals including boarding and lodging provided that there are no open kennels maintained and provided all activities will be conducted in soundproof buildings.
  - c. Optician.
  - d. Studio for professional work or teaching of any form of commercial or fine arts.
  - e. Municipal uses.
  - f. Private and charter school having no room regularly used for housing or sleeping. Subject to Development Review Board approval and compliance with standards including, but not limited to, the following as well as those otherwise required in the district.
    - (1) Location: All proposed private and charter schools shall be located a minimum of five hundred (500) feet from any adult use.
    - (2) Lot area: The minimum lot area shall be equal to that required for the district, except that no lot shall be less than forty-three

thousand (43,000) square feet (net).

- (3) There shall be no outside speaker system or bells, if the school building is within one hundred (100) feet of a single-family dwelling or multifamily dwelling unit.
- (4) Open space: Per underlying zoning district open space requirements. All NAOS requirements of the district must be met and may be applied towards the overall open space requirements subject to compliance with NAOS standards.
- (5) Parking: Parking shall observe the front yard setbacks of the district for all frontages. One-third ( 1/3) of the required parking may be shared parking with other establishments present on site. Parking shall be located and screened per the requirements of the district.
- (6) Outdoor recreation area: All outdoor playgrounds and recreation areas shall be enclosed by a wall or fence sufficient in height to protect the safety and welfare of the students and shall be located within the side or rear yard. Any playground or outdoor recreation area shall be located a minimum of fifty (50) feet from any residential district and screened by a minimum six-foot high wall.
- (7) Drop-off area: A drop-off area accommodating a minimum of five (5) vehicles shall be located along a sidewalk or landing area connected to the main entrance to the school. This area shall not include internal site traffic aisles, parking spaces, fire lanes, etc.
- (8) Any public trails or pedestrian connections shall be incorporated into the site plan and approved by the Development Review Board.
- (9) Circulation plan: The applicant shall submit a circulation plan to insure minimal conflicts between the student drop-off area, potential van and bus drop-off area, parking, access driveways, pedestrian and bicycle paths on site.

2. Residential.

- a. Dwelling units physically integrated with commercial establishments.

3. Retail sales.

- a. Antique store.
- b. Appliance store.
- c. Art gallery.

d. Bakery.

~~e. Bars and cocktail lounges without live entertainment.~~

fe. Bicycle store.

gf. Big box. Any single retail space (limited to permitted retail uses in this P.C.C. district) with a building footprint of equal to or greater than seventy-five thousand (75,000) square feet, if:

- (1) Primary access is not on a local collector street; and
- (2) Residential zoned property is not located within one thousand three hundred (1,300) feet of the Big box property line (except residential zoned properties separated from the Big box by the Pima Freeway or developed with non-residential uses).

However, Big box is not permitted in the Environmentally Sensitive Land Supplementary District.

Also See Sections 1.403 and 5.2503.B.

hg. Bookstore.

ih. Camera store.

ji. Candy store.

kj. Carpet and floor covering store.

lk. Clothing store.

ml. Craft shop conducted in conjunction with retail business.

nm. Drugstore.

on. Electronic equipment store.

po. Fabric store.

qp. Florist.

rq. Furniture store.

sr. Gift shop.

ts. Grocery store or supermarket.

ut. Hardware store.

vu. Hobby or toy store.

wv. Home improvement store.

xw. Ice cream store.

yx. Import store.

zy. Jewelry store.

aaz. Jr. department store.

bbaa. Liquor store.

eebb. Music store.

ddcc. Pet shop.

eedd. Restaurant or cafe, excluding drive-in and drive-through types.

ffee. Sporting goods store.

ggff. Stationery store.

hhgg. Swimming pool supply store.

ihhh. Variety store.

4. Services.

- a. Appliance repair.
- b. Bank.
- c. Barber or beauty shop.
- d. Clothes cleaning agencies and laundromats.
- e. Day care center, if the drop off or outdoor play area is more than one hundred (100) feet from a residential district.
- f. Fitness studio.
- g. Movie theater, indoor only.

- h. Personal wireless service facilities; minor, subject to the requirements of sections 1.906, 3.100 and 7.200.
- i. Recyclable material collection center.
- j. Shoe repair shop.
- k. Travel agency.

B. *Uses subject to conditional use permit.*

**1. BARS AND COCKTAIL LOUNGES (SEE SECTION 1.403 FOR CRITERIA).**

12. Big box. Any single retail space (limited to permitted retail uses in this P.C.C. district) with a building footprint of equal to or greater than seventy-five thousand (75,000) square feet, if:

- a. Primary access is on a local residential street; or
- b. Residential zoned property is located within one thousand three hundred (1,300) feet of the Big box property line (except residential zoned properties separated from the Big box by the Pima Freeway or developed with non-residential uses).

However, Big box is not permitted in the Environmentally Sensitive Lands Supplementary District.

For Use Permit Provisions and Criteria, See Section 1.403.

- 23. Community buildings and recreational facilities not publicly owned.
- 34. Gasoline service station (see section 1.403 for criteria).
- 45. Day care center, if the drop off or outdoor play area is within one hundred (100) feet from a residential district (see section 1.403 for criteria).
- 56. Health studio.
- 67. Internalized community storage (see section 1.403 for criteria).
- 78. Live entertainment (see section 1.403 for criteria).
- 89. Personal wireless service facilities; major, subject to the requirements of sections 1.400, 3.100 and 7.200.
- 910. Seasonal art festival.

- ~~1011.~~ Public utility buildings, structures or appurtenances thereto for public service uses.

Sec. 5.2600. (P.R.C.) Planned Regional Center.

Sec. 5.2601. Purpose.

The purpose of the planned regional center district is to provide for a broad variety of general merchandise, and services in full depth and variety within a planned commercial [regional] center, which may include office and residential uses carefully interrelated by design to assure that the uses compliment each other and the whole mixed use complex.

Sec. 5.2602. Approvals required.

A. Any application for rezoning to P.R.C. shall be accompanied by a site plan which reflects all criteria of the P.R.C. district.

B. Any application for P.R.C. zoning, or rezoning to P.R.C. shall be accompanied by a traffic impact study including, but not necessarily limited to, analysis of trip generation, trip distribution, ingress and egress, parking design, internal circulation capacity analysis, effect on roadway system, and proposed solutions.

C. No structure or building shall be built or remodeled upon land in the P.R.C. district until Development Review Board approval has been obtained as outlined in Article I, section 1.900 thereof.

Sec. 5.2603. Use regulations.

A. *Permitted uses.* Buildings, structures or premises shall be used and building and structures shall hereafter be erected, altered or enlarged for the following uses:

1. Retail sales.
  - a. Apparel and accessories stores such as men's and boys clothing and furnishings, women's wear and accessories, children's and infant's wear, family clothing, shoes, custom tailoring, fur apparel, clothing rentals, and fabrics.
  - b. Automotive parts store.
  - c. Big box, meaning any single retail space (limited to permitted retail uses in this P.R.C. district) with a building footprint of equal to or greater than seventy-five thousand (75,000) square feet.
  - d. Books, newspaper, magazine or stationery stores.
  - e. Camera or photographic supply stores.

- f. Cigar, tobacco, cigarette stores.
  - g. Drug and proprietary stores.
  - h. Florists.
  - i. Eating and drinking places without live entertainment or patron dancing.
  - j. Food stores and groceries such as grocers, delicatessens, meats and fish, fruits and vegetables, candy, nut, confectionery, dairy products, and bakeries.
  - k. Furniture, home furnishings and equipment stores such as furniture, inside window coverings, china, glassware, metalware, household appliances, radios and televisions, music supplies and equipment, and home and portable business computers.
  - l. General merchandise stores including department, variety, antiques, catalogue sales outlet, and warehouse clubs.
  - m. Gift, novelty, import, art, jewelry or souvenir stores.
  - n. Hobby or toy stores.
  - o. Home improvement stores including but not limited to paint, glass, wallpaper, and carpet.
  - p. Liquor stores.
  - q. New motor vehicles stores with display and storage enclosed within a building and no service area.
  - r. Petshops.
  - s. Sporting goods and bicycles.
  - t. Swimming pool and patio supplies and accessories.
2. Services.
- a. Broadcasting studio without towers.
  - b. Business services including blueprinting and photocopying, printing, mailing services, office equipment rentals and photofinishing services.
  - c. Personal wireless service facilities; minor, subject to the requirements of sections 1.906, 3.100 and 7.200.

- d. Educational services including art and music schools, dancing schools, extensions of colleges or universities and day care center.
- e. Finance, insurance and real estate services including banking and bank-related services, savings and loan associations, securities, brokers and dealers, insurance agents and brokers, and real estate agents and brokers and associated services and headquarters.
- f. Governmental services.
- g. Hospital for animals including boarding and lodging provided that there are no open kennels and provided that all activities are conducted in soundproof buildings.
- h. Medical services including offices for physicians, dentists, osteopaths, chiropractors, opticians, optometrists and group health services with ancillary laboratories excluding any services requiring overnight patient stays.
- i. Personal services including laundering and dry cleaning services, photographic services, beauty shops, barber shops, and shoe repair and shining.
- j. Private business, professional and civic clubs and associations.
- k. Professional services including legal services; engineering, interior design and architectural services; and accounting, auditing and bookkeeping services, and consulting services.
- l. Recyclable material collection.
- m. Repair services including appliance repair, watch, clock and jewelry repair, and upholstery shop.
- n. Restaurant.
- o. Taxidermist.
- p. Travel agency.
- q. Video tape rental.
- r. Private and charter school having no room regularly used for housing or sleeping overnight. Subject to Development Review Board approval and compliance with standards including, but not limited to, the following as well as those otherwise required in the district.

- (1) Location: All proposed private and charter schools shall be located a minimum of five hundred (500) feet from any adult use.
- (2) Lot area: The minimum lot area shall be equal to that required for the district, except that no lot shall be less than forty-three thousand (43,000) square feet (net).
- (3) There shall be no outside speaker system or bells, if the school building is within one hundred (100) feet of a single-family dwelling or multifamily dwelling unit.
- (4) Open space: Per underlying zoning district open space requirements. All NAOS requirements of the district must be met and may be applied towards the overall open space requirements subject to compliance with NAOS standards.
- (5) Parking: Parking shall observe the front yard setbacks of the district for all frontages. One-third ( 1/3 ) of the required parking may be shared parking with other establishments present on site. Parking shall be located and screened per the requirements of the district.
- (6) Outdoor recreation area: All outdoor playgrounds and recreation areas shall be enclosed by a wall or fence sufficient in height to protect the safety and welfare of the students and shall be located within the side or rear yard. Any playground or outdoor recreation area shall be located a minimum of fifty (50) feet from any residential district and screened by a minimum six-foot high wall.
- (7) Drop-off area: A drop-off area accommodating a minimum of five (5) vehicles shall be located along a sidewalk or landing area connected to the main entrance to the school. This area shall not include internal site traffic aisles, parking spaces, fire lanes, etc.
- (8) Any public trails or pedestrian connections shall be incorporated into the site plan and approved by the Development Review Board.
- (9) Circulation plan: The applicant shall submit a circulation plan to insure minimal conflicts between the student drop-off area, potential van and bus drop-off area, parking, access driveways, pedestrian and bicycle paths on site.

3. Cultural, entertainment and recreation.

- a. Churches, synagogues, and temples.
- b. Cultural activities including libraries and museums.

- c. Game center and arcade.
  - d. Pool or billiards parlor.
  - e. Public assembly facilities including indoor motion picture theaters and legitimate theaters.
  - f. Recreational facilities including ice skating, roller skating, bowling, gymnasiums, health and fitness centers.
4. Residential.
- a. Hotels, motels, and inns.
  - b. Multifamily residential.
- B. *Uses subject to a conditional use permit.*
- 1. Automobile rental.
  - 2. Automobile repair and service.
  - 3. Automobile wash services excluding self-operated.
  - 4. Automotive tires, batteries and accessories.
- 5. BARS AND COCKTAIL LOUNGES (SEE SECTION 1.403 FOR CRITERIA).**
- 56. Broadcasting studios with towers.
  - 67. Business school.
  - 78. Gasoline sales and service stations.
  - 89. Indoor aquarium.
  - 910. Live entertainment (see section 1.403 for criteria).
  - 1011. New and used motor vehicle sales including outdoor storage.
  - 1112. Outdoor recreational facilities which are greater than two (2) acres in size such as miniature golf, tennis center, water parks or play structures.
  - 1213. Personal wireless service facilities; major, subject to the requirements of sections 1.400, 3.100 and 7.200.
  - 1314. Planetaria.

~~14~~15. Plant nursery.

~~15~~16. Teen dance center.

~~16~~17. Seasonal art festival.

Sec. 5.2700. (P.Co.C.) Planned Convenience Center.

Sec. 5.2701. Purpose.

The purpose of the P.Co.C. district is to provide basic convenience goods and services within walking distance of nearby residences. A mixed-use, pedestrian-oriented atmosphere shall be encouraged by allowing dwelling units in conjunction with commercial buildings.

Sec. 5.2702. Approvals required.

No structure or building shall be built or remodeled upon land in the P.Co.C. district until Development Review [Board] approval has been obtained as outlined in article I, section 1.900 hereof.

Sec. 5.2703. Use regulations.

A. *Permitted uses.* Buildings, structures, or premises shall be used and buildings and structure shall hereafter be erected, altered or enlarged for the following uses:

1. Retail sales.
  - a. Grocery store (limited to three thousand (3,000) square feet of gross floor area).
  - b. Restaurant (limited to one thousand (1,000) square feet of gross floor area).
  - c. Food service shop--Pick-up and delivery only (limited to one thousand (1,000) square feet of gross floor area).
  - d. Bakery.
  - e. Delicatessen (limited to one thousand (1,000) square feet of gross floor area).
  - f. Health food.
  - g. Ice cream.
  - h. Pizza.

- i. Gift shop.
  - j. Bookstore.
  - k. Video rental.
  - l. Hobby shop.
  - m. Bicycle shop.
2. Services (limited to one thousand (1,000) square feet of gross floor area per use).
- a. Barbershop.
  - b. Bank or financial institution with no drive through lane.
  - c. Beauty shop.
  - d. Laundromat and/or dry cleaner.
  - e. Shoe repair.
  - f. Tailoring shop.
  - g. Bicycle repair shop.
  - h. Florist shop.
  - i. Utility payment store.
  - j. Dance studio/fitness center.
  - k. Pet grooming shop.
  - l. Mail service store.
  - m. Office where professional, administrative, clerical, or sales services are rendered.
  - n. Accountant office.
  - o. Insurance agency.
  - p. Photography studio.
  - q. Photo processing shop.

- r. Real estate office.
- s. Travel agency.
- 3. Residential. Dwelling units located in conjunction with commercial buildings (refer to section 5.2704.A).
- 4. Municipal uses.
- 5. Day care center, if the drop off or outdoor play area is more than one hundred (100) feet from a residential district.
- 6. Personal wireless service facilities; minor, subject to the requirements of sections 1.906, 3.100 and 7.200.
- 7. Banks.
- B. *Uses permitted by conditional use permit.*
  - 1. Bank or financial institutions with a drive through, provided that:
    - A. A separation is provided between pedestrians and the bank drive through lane.
    - B. The criteria in Section 1.403 is satisfied.
    - C. The maximum gross square footage is 3,000 square feet (This square footage requirement shall supersede the square footage allowed in section 1.403).
  - 2. Personal wireless service facilities; major, subject to the requirements of sections 1.400, 3.100 and 7.200.
  - 3. Day care center, if the drop off or outdoor play area is within one hundred (100) feet from a residential district (see criteria, article I, section 1.403).
  - 4. Bar or cocktail lounge limited to beer and wine.
    - a. No entertainment.
    - b. Maximum one thousand (1,000) square feet.
    - c. **SEE SECTION 1.403 FOR ADDITIONAL CRITERIA.**
  - 5. Gasoline sales as an accessory use to a grocery store.

## **Open House Summary**

### **3-TA-2003 Bars and After hours establishments**

## **Zoning Ordinance Text Amendment**

Three open house meetings were held after advertising the date, place, purpose, and time of the open house meetings.

The first meeting was held on October 14, 2003 at 5:30 p.m. in the City's One Civic Center office building.

The second meeting was held on October 16, 2003 at 5:30 p.m. in the City's One Civic Center office building.

The third meeting was held on November 6, 2003 at 5:30 p.m. in the City's One Civic Center office building.

Several people did attend these open house meetings and the comments received were generally positive. Most people seemed to understand the proposed changes and were supportive of the concepts to improve the ordinance language.

Attached is the meeting sign-in sheet.

The logo for the City of Scottsdale, Arizona. It features a stylized silhouette of a person in mid-air, jumping over the words "CITY OF SCOTTSDALE" which are arranged in a curve. Below this, the word "ARIZONA" is written in a smaller, straight font. The entire logo is in black and white.

# SIGN IN SHEET

Name	Street Address	City, State, Zip	Phone Number	Email Address
Greg Field	4251 N Winfield	Scottsdale, AZ	85251	(480) 874-2291
Robert Field				11
STEVE SABA	4141 N. GARDENWAY BLVD.	SCOTTSDALE	AZ 85251	
BRIAN ADAMS	5731 E BEECH	SCOTTSDALE	AZ 85251	(602) 570-5502
MIKE BUCCI	7345 E. VIVAS #13	SCOTTSDALE	AZ 85251	(602) 809-7636
TRACY MCCARTHY	1856 N 78TH ST	SCOTTSDALE	AZ 85251	480-675-9724

10-14-03 & 10-16-03

# Please Sign In .

## Zoning Ordinance Update

PLEASE PRINT LEGIBLY -- AND IF AVAILABLE, PLEASE INCLUDE YOUR E-MAIL -- We will include your address on future communications related to this topic.

Name	Mailing address	City and Zip Code	E-Mail	Phone (optional)
Debra L. New	7049 E. Cypress	Scottsdale, AZ	85257	480-380-4305
Wendy Harrison	12017 N. 94th	Scottsdale	85260	480-451-8999
Michael J. Cuneo	1115 N. Granite	Scottsdale	85257	480-703-2592
Lloyd Doerr	27939 N. 78th Pl.	85212	LloydDoerr@aol.com	480-502-9605
Jill King	11201 N. Tatum #330	Phoenix	AZ 85028	JillK@BisKindlaw.com 602/652-8535
Penny Botlenoch	5027 N. 71st Place	Scottsdale	AZ 85253	guardbitchench@aol.com
Rick Mineweiler	7669 E. Baker Dr.	Scottsdale, AZ	85262	rick@edimoney.com 480-515-1329
Gladstone County	P.O. Box 1061	Scottsdale, AZ	85252	gladstonecounty.net 602/473-4731
Carol Rowley	8038 E. Almeria Rd.	Scottsdale	85257	480/423-1145
SAT WEST	8160 N. Hayden #1210	"	85258	480-994-5728
Marilyn & Don Andrews	22612 N. Church Rd.	SDH.	85255	480-473-7387
KAY KRUEGER	5851 E. Hedgerow Pl.	Scottsdale	85262	480-513-2648
CHUCK BROWN	5672 E. Hedgerow Pl.	Scottsdale	85262	480-479-0601
DENNIS LIDDELL	5719 E. Blue Sky Dr.	Scottsdale	85262	480-563-0780
DALE WALKER	12083 E. SHAGBELLA RD	SCOTTSDALE	85259	480-657-8797
JOHN LONG	8820 E. Sharon Dr.	Scottsdale	85260	480-391-1069
Martha West	4800 N. Central Ave.	#6000 Scottsdale	AZ 85251	480-429-3061

File  
10/16/03

3-TA-2003 (Use Permit For Bars/nightclubs (citywide) request by City of Scottsdale, applicant, for a Text amendment to amend Ordinance 455 (Zoning Ordinance) Article I., Administration and Procedures., Section 1.404.. Additional conditions for specific conditional uses.; Article III. Definitions.; Article V. 5.1200. (C-S) Regional Shopping Center., Sec. 5.1300. (C-1) Neighborhood Commercial District., Sec..5.1400. (C-2) Central Business District., Sec. 5.1500. (C-3) Highway Commercial District., Sec. 5.2400. (P.N.C.) Planned Neighborhood Center., Sec. 5.2700. (P.Co.C.) Planned Convenience Center., Sec. 5..2800 (W.P.) Western Theme Park District Article VII. General Provisions.

2-TA-2003 (Downtown Overlay – Six Month Review) request by City of Scottsdale, applicant, to amend City of Scottsdale Zoning Ordinance (Ordinance No. 455) Article VI., SUPPLEMENTARY DISTRICTS: Section 6.1200., (DO) DOWNTOWN OVERLAY.: Section 6.1201. Purpose.; Section Required.; Section 6.1230. Land Use Standards.; Section 6,1240 Land Use Classifications.; Section 6.1241. Residential Use Classifications.; Section 6.1242. Commercial Use Classifications.; Section 6.1250. Site Development Standards.; Section 6.1251. Additional Regulations.; Section 6.1260.. Parking Regulations.; Section 6.1270. Revitalization Bonus/Incentive Provisions.; Article IX., PARKING AND LOADING REQUIREMENTS; Section 9.104. Programs and incentives to reduce parking requirements.; Section 9.108. Special parking requirements in districts. The Downtown area is generally bounded by Chaparral Road on the north, Miller Road on the east, Earl Drive on the south and 68<sup>th</sup> Street on the west.

**MS. WAUWIE** presented cases 3-TA-2003 and 2-TA-2003 as per the project coordination packet. Staff recommends approval.

**COMMISSIONER BARNETT** asked staff to address the number of complaints they have received from bars outside of the downtown overlay that will be now falling under the criteria. He also asked if that is one of the reasons they are trying to passing this. Mr. Grant stated this came as a request from City Council. A couple areas have been of concern one is the amount of bar activity at Shea and Scottsdale Road and in areas where bars tend to locate. Outside of the downtown that is where the most concentration, but there are bars all over town that have a relationship with residential areas. This gives a higher level of review for those types of activities regardless of whether they have had complaints about them in the past.

Commissioner Barnett asked staff to address the expense and the time a bar owner would have to go through. Mr. Grant stated it would add a layer of review that currently does not exist. A use permit is on track for about 60 to 90 days. The liquor license 20 to 60 days. He further stated the use permit would cost between \$900 to \$1,000 for the complete process.

**COMMISSIONER NELSEN** inquired about the unfairness of requiring a new business to jump through hoops that existing businesses do not. He stated he

understood the Council's concern but it would seem the horse is already out of the barn on this one. Mr. Grant provided information regarding how they are addressing the equity issue. He stated this would provide the opportunity for those relationships that involve commercial next to residential a higher level of review and have to meet the use permit criteria that might make the residential more comfortable with them being there. Commissioner Nelssen inquired if the enforcement issue is what is driving more bureaucracy because there are not enough resources to enforce the existing rules. Mr. Grant replied in the negative. He stated the ability to revoke is a very strong mechanism. Commissioner Nelssen inquired if the existing establishments that do not have a use permit would have less inspection. Mr. Grant replied they would not have the ability for revocation. Not to say they don't have enforcement mechanisms.

Commissioner Nelssen stated it seems they would be attracting certain type patrons to certain establishments because a use permit would not govern them. Mr. Grant stated he did not think that would be the case. The use permit provided a mechanism for making sure that what ever commitments are made in the public hearing process are subscribed to.

Commissioner Nelssen stated in the long run if this moves forward would this save the city money relative to police resources or code enforcement. Mr. Grant replied he was not sure.

**VICE CHAIRMAN STEINBERG** inquired if existing bars were exempt from going through the use permit process and would be grandfathered. Mr. Grant replied in the affirmative.

**COMMISSIONER HEITEL** inquired how they would be equitable to property owners regarding disrupting the existing balance of daytime and nighttime uses. Mr. Grant stated there would be a certain amount of judgment in the granting of these use permits. The Planning Commission and City Council will make a determination whether the business is going to impact an area.

Commissioner Heitel inquired if they were going to stifle diversity of uses that get created in downtown areas without all these overriding regulations this bureaucracy telling private enterprise which store front to occupy. Mr. Grant stated at the time the use permit is granted a determination is made whether that use can be operated in a way that impacts can be effectively addressed and mitigated.

**COMMISSIONER BARNETT** inquired about the logic behind grandfathering existing businesses. Ms. Boomsma stated once someone has an established use, you cannot take it away without paying them. She further stated there are lots of grandfathering rules throughout the zoning ordinance. She noted as long

as the business stays the same use and same intensity they have the right until they abandon that use.

**COMMISSIONER NELSEN** inquired if the use permit goes with the applicant/owner or stays with the street address. Ms. Boomsma replied it runs with the land. Commissioner Nelsen inquired what would happen if it is destroyed by a fire. Ms. Boomsma stated if a fire destroys it then they do not have to allow it to be rebuilt and that came up on several occasions because there are some basic unfairness felt by the property owners.

Commissioner Nelsen inquired if there would be time stipulations. Ms. Boomsma stated there could be but it is not in the current version of the ordinance.

**COMMISSIONER HEITEL** inquired if a non-conforming use changes ownership and has to change the liquor license will that trigger the property owner to have to then apply for a use permit. Ms. Boomsma replied in the negative. Mr. Grant outlined situations where an establishment would be required to come into conformity.

**CHAIRMAN GULINO** inquired why they don't tie this to the liquor license. Mr. Grant stated historically that is how it has been done and they have had criticisms from within and without the entertainment industry. Business were applying for a series 12 restaurant liquor license but operating as a bar without paying the substantial amount for the bar license.

Chairman Gulino inquired if they solved all of the issues that were brought up during the last public hearing. Mr. Grant replied in the affirmative.

Chairman Gulino inquired if they have a State liquor license process why do these have to go before the City Council. Mr. Grant stated the City Council does not make the decision but they send a recommendation to the State Liquor Board.

Chairman Gulino inquired if there were any redundancies that they need to be sensitive to between what they are proposing and the State process. Mr. Grant stated the paths are separate. Ms. Boomsma provided information between the State process and the City process.

Chairman Gulino inquired about the conclusion the staff drew about the inequity issue. Mr. Grant stated staff and City Council have discussed this issue. The City Council wants to see the consistency in application. He further stated with the proposed ordinance all bars would go through the same use permit process.

**COMMISSIONER BARNETT MOVED TO FORWARD CASE 2-TA-2003 TO THE CITY COUNCIL WITH A RECOMMENDATION FOR APPROVAL. SECOND BY COMMISSIONER HESS.**

**THE MOTION PASSED BY A VOTE OF SIX (6) TO ZERO (0).**

**COMMISSIONER BARNETT MOVED TO FORWARD CASE 3-TA-2003 TO THE CITY COUNCIL WITH A RECOMMENDATION FOR APPROVAL. SECOND BY COMMISSIONER HESS.**

**THE MOTION PASSED BY A VOTE OF SIX (6) TO ZERO (0).**

**CHAIRMAN GULINO** stated during the City Lights case the discussion became a little heated and he wanted to remind the Commissioners' they need to be a little easier on staff. They go through a lot and are being pulled in a lot of directions. It is not fair to assume that what they are presenting is there own doing. Let's not shoot the messengers. It is important to keep in mind they have a tough job. Mr. Grant stated he appreciated that but he would like to point out this a continual learning process and they don't take it personally. This an opportunity for them to learn what the expectation is.

#### **WRITTEN COMMUNICATION**

There was no written communication.

#### **ADJOURNMENT**

With no further business to discuss, the regular meeting of the Scottsdale Planning Commission was adjourned at 8:30 p.m.

Respectfully Submitted,

"For the Record " Court Reporters

ORDINANCE NO. 3542

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, AMENDING ORDINANCE NO. 455, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF SCOTTSDALE, BY AND FOR THE PURPOSE OF AMENDING ARTICLE I, ADMINISTRATION AND PROCEDURES., SECTION 1.403. ADDITIONAL CONDITIONS FOR SPECIFIC CONDITIONAL USES.; ARTICLE III. SECTION 3.100, DEFINITIONS.; ARTICLE V. SECTION 5.1200. (C-S) REGIONAL SHOPPING CENTER., SECTION 5.1400. (C-2) CENTRAL BUSINESS DISTRICT., SECTION. 5.1500. (C-3) HIGHWAY COMMERCIAL DISTRICT., SECTION 5.2500. (P.C.C.) PLANNED COMMUNITY CENTER., SECTION 5.2600. (P.R.C.) PLANNED REGIONAL CENTER., SECTION 5.2700. (P.CO.C.) PLANNED CONVENIENCE CENTER.; AS PROVIDED IN CASE NO. 3-TA-2003.

WHEREAS, the Planning Commission and City Council have held public hearings on Case No. 3-TA-2003; and

WHEREAS, the Council of the City of Scottsdale wishes to address the secondary effects of bars and after hours establishments within certain zoning districts, including security, noise, parking, litter, and other relationships between land uses;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Scottsdale, Arizona, as follows:

Section 1. That the Zoning Ordinance of the City of Scottsdale, is amended by amending Article I, Administration and Procedures., Section 1.403. Additional Conditions for Specific Conditional Uses.; Article III. Section 3.100, Definitions.; Article V. Section 5.1200. (C-S) Regional Shopping Center., Section 5.1203, Use Regulations, Section 5.1400. (C-2) Central Business District., Section 5.1403, Use Regulations, Section. 5.1500. (C-3) Highway Commercial District., Section 5.1503, Use Regulations, Section 5.2500. (P.C.C.) Planned Community Center., Section 5.2503, Use Regulations, Section 5.2600, (P.R.C.) Planned Regional Center., Section 5.2603, Use Regulations, Section 5.2700. (P.Co.C.) Planned Convenience Center, Section 5.2703, Use Regulations, as provided in that document entitled "Use Permit for Bars, After Hours Establishments (3-TA-2003)," three copies of which are on file in the office of the City Clerk, which document was made a public record by Resolution No. 6418 of the City of Scottsdale, Arizona, and which is hereby referred to, amended, and made part hereof as if fully set out in this ordinance.

Section 2. If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the code adopted herein is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the Council of the City of Scottsdale this \_\_\_\_ day of December, 2003.

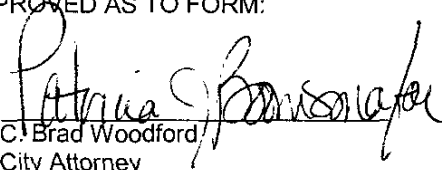
ATTEST:

CITY OF SCOTTSDALE, an Arizona  
municipal corporation

By: \_\_\_\_\_  
Carolyn Jagger  
City Clerk

By: \_\_\_\_\_  
Mary Manross  
Mayor

APPROVED AS TO FORM:

By:   
C. Brad Woodford  
City Attorney

RESOLUTION NO. 6418

A RESOLUTION OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK OF THE CITY OF SCOTTSDALE AND ENTITLED "USE PERMIT FOR BARS, AFTER HOURS ESTABLISHMENTS (3-TA-2003)."

BE IT RESOLVED by the Mayor and Council of the City of Scottsdale, Arizona, as follows:

Section 1. That certain document entitled "Use Permit for Bars, After Hours Establishments (3-TA-2003)," three copies of which are on file in the office of the City Clerk, is hereby declared to be a public record, and said copies are ordered to remain on file with the City Clerk.

PASSED AND ADOPTED by the Council of the City of Scottsdale, Maricopa County, Arizona this \_\_\_\_ day of December, 2003.

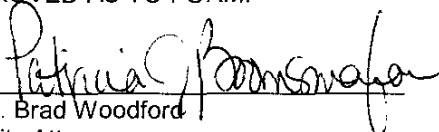
ATTEST:

CITY OF SCOTTSDALE, an Arizona  
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By: \_\_\_\_\_  
Carolyn Jagger  
City Clerk

By: \_\_\_\_\_  
Mary Manross  
Mayor

APPROVED AS TO FORM:

By:   
C. Brad Woodford  
City Attorney

**USE PERMIT FOR BARS,  
AFTER HOURS ESTABLISHMENTS (3-TA-2003)**

Proposed Ordinance Language

**Note: Text format conventions:**

- **PROPOSED NEW LANGUAGE**
- Existing language
- ~~Deleted Existing Language~~
- ~~Language deleted by staff after Planning Commission hearing upon consideration of City Attorney and Planning Commission hearing comments.~~
- **PROPOSED LANGUAGE ADDED BY STAFF AFTER PLANNING COMMISSION HEARING  
UPON CONSIDERATION OF CITY ATTORNEY AND PLANNING COMMISSION  
COMMENTS.**

Article I.

Administration And Procedures

Sec. 1.403. Additional conditions for specific conditional uses.

A. Adult uses.

1. In order to prevent the adverse secondary effects associated with the establishment of adult uses, including neighborhood deterioration and blight, an increase in criminal activity and diminution in surrounding property values, the issuance of all conditional use permits for adult uses shall be subject to the provisions of this Section 1.403(A). The provisions of this Section 1.403(A) shall supersede the provisions of Section 1.401, but only as to the issuance of conditional use permits for adult uses, and Section 1.401 shall apply to the issuance of conditional use permits for all other conditional uses.
2. A conditional use permit application for any proposed adult use shall be submitted pursuant to the provisions of Section 1.300, including the procedures described therein for a preapplication conference and application. After the filing of a conditional use permit application for a proposed adult use with the Planning and Development Department, the Zoning Administrator shall, within fifteen (15) days of the filing of the application, determine if the application is complete. If the application is found to be incomplete, the Zoning Administrator shall immediately inform the applicant in writing, by certified mail of the reasons therefor. The Zoning Administrator shall process any resubmitted application in accordance with the same requirements applicable to the processing of the original application. An applicant may appeal the Zoning Administrator's determination that the application is incomplete to the City Council. Such appeal must be filed within five (5) working days of the date on which the Zoning Administrator's determination is received or returned, and shall be considered and decided by the City Council no more than twenty (20) days after the filing of the appeal.
3. No conditional use permit application for any proposed adult use shall be deemed complete unless the Zoning Administrator has determined that all of the following conditions exist:
  - a. No other adult use is located within one thousand (1,000) feet of the proposed adult use.
  - b. The proposed adult use, if established, would not be located within five hundred (500) feet of the following protected uses, provided such protected uses is established on or before the date an application for the proposed adult use is filed:
    - (1) A public or private day care center;
    - (2) Elementary, middle or secondary school;
    - (3) Instructional school;

- (4) Vocational high school;
  - (5) Public park;
  - (6) Teen dance center;
  - (7) Game center;
  - (8) Amusement park;
  - (9) Public library;
  - (10) Church, synagogue or temple; or
  - (11) Community buildings or recreational facility not publicly owned (such as Boys or Girls Club, YMCA, etc.).
- c. The proposed adult use, if established, would not be located within five hundred (500) feet of any of the following zoning district boundaries: R1-190, R1-130, R1-70, R1-43, R1-35, R1-18, R1-10, R1-7, R1-5, R-2, R-3, R-4, R-4R, R-5, MH, S-R (if occupied as a residential use), D/RH or any of the foregoing districts which also have a PRD, PCD or ESL designation, unless a petition requesting waiver of this requirement, signed by fifty-one (51) percent of those persons residing thirty (30) days or more within a five hundred (500) foot radius of the proposed location and by fifty-one (51) percent of those nongovernmental owners who own uses listed in paragraph 3.b within a five hundred (500) foot radius of the proposed location is received and verified by the Zoning Administrator. In such case, the City Council may waive conditions 3.b and 3.c.
4. For purposes of this section, streets, alleys and other thoroughfares adjacent to the zoning district boundaries specified in paragraph 3.c. shall themselves be considered within such district boundaries. With respect to any such street, alley or other thoroughfare, measurements to determine whether the proposed adult use is within five hundred (500) feet of such boundary shall be taken to the edge of such alley nearest to the proposed adult use, or to the centerline of such street or thoroughfare, or to the property line of the uses specified in Section 1.403.A.3.b. or an established adult use, unless such use is specified in Section 1.403.A.3.b. or an established adult use is part of a multi-tenant parcel, in which case the measurement shall be to the exterior building wall of the use in question. Measurement from the proposed adult use shall be taken from that portion of the proposed adult use, including projections therefrom, that is closest to the residential district, use specified in Section 1.403.A.3.b. or established adult use, unless such proposed adult use is to be part of a multi-tenant parcel, in which case the measurement shall be from the exterior building wall of the proposed adult use.
5. Where the conditional use permit application is determined to be complete, the Zoning Administrator shall forward the application to the secretary of the Planning Commission, who shall set days for public hearing before the Planning Commission and City Council, which dates shall be no more than thirty-five (35) and forty-five (45) calendar days, respectively, from the date of the filing of a complete application. Notice of the hearings shall be given in the same manner as provided in Sections 1.605 and 1.702, respectively.
6. Conditional use permits shall be granted when permitted by this ordinance, unless the City Council has found that the granting of such conditional use permit would endanger the public health, safety or welfare by significantly increasing the likelihood of one (1) or more of the following:
- a. Damage or nuisance to surrounding areas arising from noise, smoke, odor, dust, vibration or illumination.
  - b. Hazards to the public health arising from the creation of a sanitary nuisance.
  - c. Illegal conduct in the areas surrounding the proposed adult use.
  - d. Adverse impacts on surrounding property resulting from an unusual volume or character or vehicular or pedestrian traffic.
  - e. Substantial and demonstrable diminution of the market value of surrounding property.

7. No more than forty-five (45) days shall elapse between the filing of a complete conditional use permit application for an adult use and a determination by the City Council to grant or deny the permit, unless such delay is caused by the applicant. When denying a conditional use permit application for an adult use, the City Council shall specify each of the categories of harm set forth in Section 1.403.A.6. which it finds would be significantly increased by granting the application and the basis for such findings.

8. All conditional use permits for adult uses shall be subject to the following conditions:

- a. All exterior doors shall remain closed during business hours.
- b. All materials, projections, entertainment or other activities involving or depicting "specific sexual activities" or "specified anatomical areas" shall not be visible from off-premise areas or from portions of an establishment accessible to minors.
- c. Sound from projections or entertainment shall not be audible from off-premises areas.

In addition, notwithstanding the provisions of Section 1.401, the City Council, in granting a conditional use permit for an adult use, may impose only such other conditions on the conditional use permit that would decrease the likelihood of occurrence of any of the adverse impacts listed in Section 1.403.A.6.

9. An applicant whose complete application for a conditional use permit for an adult use has been denied by the City Council, or approved by the City Council, but subject to conditions unacceptable to the applicant; or whose appeal from the Zoning Administrator's determination of completeness has been denied by the City Council shall have the right to seek prompt judicial review of the City Council's decision without any requirement of seeking reconsideration from the City Council or any other administrative or legislative relief.

10. Each of the provisions of this Section 1.403.A., including each of the categories of harm set forth in subsection A.6., shall be severable, and a judicial determination that any such provision is invalid on federal or state constitutional grounds, or otherwise, shall not affect the validity of:

- (i) Any other provisions; or
- (ii) Any determination by the City Council insofar as it is based on any provision not determined to be invalid.

11. These provisions shall not be construed as permitting any use or act which is otherwise prohibited or made punishable by law.

B. Automotive repair facilities.

1. All repairs shall be performed within a building.
2. Vehicular entry to the building is from the rear of the building only, except that on a corner lot, a lot abutting a residential district, or a lot separated from a residential district by an alley, a development plan providing for vehicular access from the side of the building may be approved provided that side entry repair bays are screened from street views by solid masonry walls and landscaping. If side entry bays are proposed the applicant shall demonstrate, and the Development Review Board shall find, that the method of screening proposed does not impact the streetscape by exposing repair bays, unassembled vehicles, auto repair activities, or auto parts. In no case shall a development plan be approved which provides for vehicle access to the front of the building or which exposes repair bays, unassembled vehicles, auto repair activities or auto parts to any street.
3. All vehicles awaiting repair shall be screened from view by a masonry wall or approved landscape screen.

C. Banks or financial institutions.

1. The maximum gross floor area of the building shall be five thousand (5,000) square feet.

2. If the bank is to include drive-thru services there shall be a maximum of two (2) drive-thru windows.
3. Setbacks:
  - a. Side Yard.
    1. A side yard of not less than fifty (50) feet shall be maintained where the site of the lot abuts a single-family residential district or abuts an alley which is adjacent to a single-family residential district. The fifty (50) feet may include the width of the alley.
    2. A side yard of not less than twenty-five (25) feet shall be maintained where the side lot abuts a multiple-family residential district or an alley adjacent to a multiple-family residential district.
  - b. Rear Yard.
    1. A rear yard of not less than fifty (50) feet shall be maintained where the rear lot abuts a single-family residential district or abuts an alley which is adjacent to the single-family residential district. The fifty (50) feet may include the width of the alley.
    2. A rear yard of not less than twenty-five (25) feet shall be maintained where the rear lot abuts a multiple-family residential district or an alley adjacent to a multiple-family district.
4. A minimum six-foot high masonry wall buffer shall be provided on all property lines that abut a residential district. The wall shall be contiguous to a minimum five-foot wide planter.

**D. BARS, COCKTAIL LOUNGES, AND/OR AFTER HOURS ESTABLISHMENTS.**

~~1. IF THE SITE IS LOCATED WITHIN A COMMERCIAL OR DOWNTOWN AREA THEN:~~

~~a1.~~ **1. THE USE SHALL NOT DISRUPT EXISTING BALANCE OF DAYTIME AND NIGHTTIME USES.**

~~b2.~~ **2. THE USE SHALL NOT DISRUPT PEDESTRIAN-ORIENTED DAYTIME ACTIVITIES.**

~~23.~~ **3. IF THE SITE IS LOCATED WITHIN A THE DOWNTOWN AREA OVERLAY DISTRICT THEN:**

a. **THE USE SHALL NOT ENCOURAGE DISPLACEMENT OF DAYTIME RETAIL USES UNLESS IT CAN BE DEMONSTRATED THAT THE PROPOSED USE SHALL PROMOTE DIVERSITY OF FIRST FLOOR USES ALONG THE STREET.**

b. **THE REQUIRED PARKING FOR THE USE SHALL BE WITHIN 600 FEET OF THE PROPERTY AND SHALL NOT BE SEPARATED FROM THE PROPERTY BY AN MAJOR OR MINOR ARTERIAL STREET.**

~~34.~~ **4. IF THE SITE USE IS LOCATED WITHIN CLOSE PROXIMITY 750 FEET OF A RESIDENTIAL USE OR AREA DISTRICT THEN:**

a. **THE USE SHALL NOT ADVERSELY IMPACT RESIDENTIAL USES.**

b. **THE USE SHALL PROVIDE METHODS OF BUFFERING RESIDENTIAL USES.**

~~45.~~ **5. AN ACTIVE MANAGEMENT AND SECURITY PLAN SHALL BE CREATED, APPROVED, MAINTAINED, IMPLEMENTED, MAINTAINED, AND ENFORCED FOR THE BUSINESS.**

~~56.~~ **6. THE APPLICANT SHALL PROVIDE, WITH THE APPLICATION FOR A CONDITIONAL USE PERMIT, A WRITTEN EXTERIOR REFUSE CONTROL PLAN WHICH MUST BE APPROVED BY THE PLANNING AND DEVELOPMENT**

**DEPARTMENT STAFF AS COMPLYING WITH THE WRITTEN GUIDELINES OF THE DEPARTMENT.**

- 67. THE APPLICANT SHALL DEMONSTRATE HOW NOISE AND LIGHT GENERATED BY THE USE SHALL BE MITIGATED.**
- 78. THE APPLICANT SHALL DEMONSTRATE THAT THE USE SHALL MEET REQUIRED PARKING AND SHALL NOT EXCEED CAPACITY FOR TRAFFIC AND PARKING IN THE AREA.**
- 89. AFTER HOURS ESTABLISHMENTS MUST MAINTAIN A VALID AFTER HOURS ESTABLISHMENT LICENSE.**

**DE. Big box.**

- 1. To prevent adverse impacts from visual, aesthetic, and operational characteristics associated with big box and maintain the quality of life, general health, welfare, and safety of persons residing and working in Scottsdale, the issuance of all conditional use permits for big box use shall be subject to the provisions of this Section 1.403.D.
- 2. Remodeling or rezoning or addition to existing big box:
  - a. Nothing in this Section 1.403.D. shall be reason to deny applications to remodel an existing big box or to rezone an existing big box.
  - b. A Conditional Use Permit shall be required for any expansion of a big box beyond a cumulative 10% of the existing square feet of the big box existing at the time of the adoption of this ordinance requirement.
- 3. A conditional use permit application for any proposed big box shall be submitted pursuant to the provisions of Article I, Section 1.300. In addition, all big box conditional use permit applications shall comply with the following submittal requirements and provisions unless otherwise approved by the City Council.
  - a. An activity operations plan detailing characteristics of all operational activities.
  - b. An outdoor activity plan describing the location, use, and characteristics of all outdoor activities.
  - c. Service areas plan documenting hours of service area operations and activities.
  - d. Display and storage areas shall occur within enclosed walls integral to the building.
  - e. Items located within storage and display areas shall be screened from view from any single-family or multifamily residential district property.
  - f. A refuse and litter control plan.
  - g. A landscaping and buffering plan.
  - h. An outdoor lighting and mitigation plan documenting all aspects of lighting and its impacts in context with surrounding property characteristics; and how those impacts are not intrusive upon those properties. The outdoor lighting and mitigation plan shall include but is not limited to: hours of illumination, photometric analysis, and light fixture details for all lighting.
  - i. A noise control plan and mitigation plan documenting the noise impacts in context with surrounding property characteristics; and how those impacts are lessened on those properties. The noise control and mitigation plan shall be accompanied by either acoustical planning documentation for new development or acoustical retrofitting documentation for alteration of existing development.
  - j. Parking, vehicle circulation, pedestrian circulation, and transit service plans:
    - (1) Documenting impact in context with surrounding property characteristics and how the proposed use impacts are not intrusive upon those properties.
    - (2) Documenting all accessibility, safety, and convenience of access to adjacent properties.

- (3) Documenting functional pedestrian scale elements and amenities.
- k. A traffic control plan including traffic generated by the use compiled into a traffic impact study and circulation study which documents how these impacts are mitigated.
- l. All structures and buildings shall be of a design character, including mass, scale, height, colors and other elements, compatible with the area in which the site is located.
- m. All site, structure, and building design shall be in substantial conformity with the Commercial Design Guidelines.
- n. All Development Review applications for big box shall be submitted for review by the Development Review Board and shall be processed with public notification requirements of Section 1.605 of this Zoning Ordinance.
- o. In addition, when deemed to be necessary because of the nature of the use and potential adverse impact on the community, other specific conditions may be imposed.

**EF. Cemeteries.**

- 1. Cemeteries, including business office and storage building, shall contain a minimum of forty (40) acres, at least ten (10) acres of which shall be subdivided and developed in the initial plat. The cemetery may include accessory uses such as a chapel, a mortuary, a mausoleum, and those industrial uses which are incidental to the operation of a cemetery. Industrial uses shall include such things as the manufacture of burial vaults and headstone foundations, provided all of the products are used on the site and are not offered for sale and use elsewhere. The cemetery shall not include uses of an industrial nature other than those stated herein. Failure to receive approval of the Arizona State Real Estate Commissioner within twelve (12) months from the date of the City Council approval of the use permit shall render the use permit null and void.
- 2. The application shall include:
  - a. A certified copy of the articles of incorporation showing that a corporation has been organized and exists for the purpose of owning and developing a cemetery.
  - b. A current study showing that the ratio of available ground interment spaces to the city's population does not exceed four (4) spaces per person.
  - c. A proposed plat or map of the cemetery showing access to the cemetery from public roads; the sites of any proposed mortuary, chapel, or mausoleum structures; and a detailed landscape plan showing, particularly, any other buildings or significant structures.
- 3. The applicant must demonstrate financial responsibility to comply with all state and local laws governing the development and maintenance of a memorial park cemetery.
- 4. The applicant must demonstrate proposed cemetery will be adequately endowed for its perpetual care and maintenance to the extent that a trust fund shall be established in accordance with, and subject to, all provisions of the Arizona Revised Statutes and that said trust fund requirement be included as a covenant of the cemetery corporation in its sales agreements approved by the Arizona State Real Estate Commissioner.

**FG. Commercial stable.**

- 1. The minimum property size shall be ten (10) acres gross.
- 2. The proposed site shall not be adjacent to single-family residential properties of less than two (2) gross acres in size unless that residential property contains an equestrian trail easement along the contiguous boundary.
- 3. Structures or facilities used for stabling, storing, showing or training of animals, and for

temporary manure storage shall be set back a minimum of one hundred (100) feet from any adjacent privately-owned property. Dwelling units, accessory structures incidental to dwelling units, and irrigated pasture may occur within the one-hundred-foot setback area subject to the setback requirements of the applicable zoning district.

4. The front yard shall be that of the applicable zoning district or forty (40) feet, whichever is greater.
5. All pasture and animal storage areas shall be enclosed with fences or walls of a minimum of four (4) feet six (6) inches in height. The design of these enclosures shall be shown on drawings submitted with the use permit application.
6. The applicant shall provide a specific plan which includes the physical containment and location for manure storage and/or a disposal program which minimizes odor and fly impacts in adjacent parcels. The spreading and tilling of manure into the soil of paddock, pasture or arena areas may be considered manure disposal.
7. The owner shall provide a specific program for fly control in barn and stable areas which minimizes the attraction to and successful breeding of flies.
8. All activity and pasture areas shall be grassed, sprinklered, or treated with regularly tilled high organic soil mix for dust suppression as approved by the project review director.
9. There shall be no shows or other activities which would generate more traffic than is normal to a residential area, unless the proposed site has direct access from a major street as set forth in the City of Scottsdale right-of-way standards. Permission for such shows and activities may be obtained from the City Council. Notification shall be provided in a letter that explains the nature and duration of the activity, and accommodations for spectators, traffic and additional parking for cars and trailers. This letter shall be submitted to the City Clerk at least one (1) month prior to the date of the show or activity.
10. All laws applicable to the public health must be complied with for the entire period of operation of the stable.
11. Upon renovation of the use permit or abandonment of the commercial stable operation any accessory residential structures shall be removed.

**GH. Day care center.**

1. The proposed facility shall comply with all requirements of the county and state health departments.
2. A solid wall or fence, a minimum of six (6) feet high and a landscape buffer shall be provided around play areas abutting any residential zone.
3. A maximum of one-half of the area for required parking may be used as a portion of the outdoor play area. If the building changes uses, all required parking areas shall be utilized as parking.

**HI. Hospital.**

1. The application shall include written proof the proposal meets all state and county regulations.
2. Maximum building height shall be seventy-five (75) feet.
3. A minimum of twenty-four (24) percent of the net lot area shall be provided in open space.
  - a. A minimum of three-quarters of the total open space requirement shall be provided as frontage open space to provide a setting for the building, visual continuity within the community and a variety of spaces in the streetscape. The frontage open space shall not be required to exceed fifty (50) square feet per one (1) foot of public street frontage and shall not be less than thirty (30) square feet per one (1) foot of public street frontage.

- b. The remainder of the required open space shall be provided in common open space.
- 4. Yards. When the height of the building exceeds sixty (60) feet the following yard requirements shall apply. If building height is less than sixty (60) feet the district yard requirements shall apply.
  - a. Side Yard.
    - (1) A side yard of not less than one hundred (100) feet shall be maintained where the side of the lot abuts a single-family residential district or abuts an alley which is adjacent to a single-family residential district. The one hundred (100) feet may include the width of the alley.
    - (2) A side yard of not less than seventy-five (75) feet shall be maintained where the side lot abuts a multiple-family residential district. The seventy-five (75) feet may include any alley adjacent to the multiple-family residential district.
  - b. Rear Yard.
    - (1) A rear yard of not less than one hundred (100) feet shall be maintained where the rear lot abuts a single-family residential district or abuts an alley which is adjacent to the single-family residential district. The one hundred (100) feet may include the width of the alley.
    - (2) A rear yard of not less than seventy-five (75) feet shall be maintained where the rear lot abuts a multiple-family residential district or abuts an alley which is adjacent to the multiple-family residential district. The seventy-five (75) feet may include the width of the alley.

**4J. Internalized community storage.**

- 1. All storage shall occur within an enclosed building with the elevators and equipment necessary to transport items for storage to internal storage units. There shall be no outside storage and no individual storage units with separate external access.
- 2. There shall be no storage of hazardous materials or materials which create any offensive noise, vibration, smoke, dust, odor, heat, glare, fumes or electrical interference.
- 3. In no case shall the net above-ground dead storage area of the structure exceed the amount equal to seventy-five hundredths (0.75) for multistory structures, or five-tenths (0.5) for single-story [structures], multiplied by net lot area in square feet. "Dead storage area" shall include that area in which only storage occurs and no other activity is allowed. The dead storage area shall not exceed sixty-five (65) percent of the gross floor area of the structure.
- 4. In no case shall the above-grade volume of the structure exceed the product of the net lot area in square feet multiplied by nine and six-tenths (9.6).
- 5. If any portion of a floor of the structure is above-grade, the entire floor will be treated as above-grade for F.A.R. and volume calculations.
- 6. Yards.
  - a. Front Yard. There shall be a front yard having the depth of not less than twenty (20) feet where parking occurs between a building and the street as long as depressed parking, wall or berming provides for a minimum three-foot screen. Parking shall not occur within the required front yard.
  - b. Side and Rear Yard. Side and rear yards of thirty (30) feet shall be maintained abutting R-1 (single-family) districts; side and rear yards of fifteen (15) feet shall be maintained abutting R-2, R-3, R-4, R4-R, M-H (multifamily) districts. A building may be constructed on the property line abutting any other district, but if any yard is to be maintained, it shall not be less than five (5) feet in depth.
- 7. An apartment/office shall be permitted within the structure to allow on-premises supervision of facility operation.

**JK.** Live entertainment.

1. The site plan shall demonstrate that:
  - a. Buffering by a wall and/or landscaping will be provided in a manner which physically separates and restricts access from the establishment and its required parking area to residential districts.
  - b. All patron entrances will be well lit and clearly visible to patrons from the parking lot or a public street.
2. The applicant has provided written evidence that all sound resulting from business activities will be contained within the building, except where external speakers are permitted.
3. The applicant has provided a written public safety plan which the city police and fire departments have approved as complying with the written guidelines of the Planning and Development Department.
4. The applicant has provided a written lighting plan which addresses exterior lighting on and surrounding the property, in accordance with section 7.600 of the zoning ordinance and with the public safety plan guidelines.
5. The applicant shall provide a written exterior refuse control plan which must be approved by the Planning and Development Department staff as complying with the written guidelines of the department, prior to the issuance of a business license. The review will be conducted as provided in Section 1.305.
6. The applicant has provided a floor plan which identifies the areas for the primary use and for ancillary functions, which include but are not limited to patron dancing areas and/or stages for performances.
7. If access to the establishment is from a street other than one classified by the General Plan as minor collector or greater, or classified by the downtown General Plan as local street or greater, the applicant has provided a traffic analysis which complies with transportation planning department written guidelines. The plan shall demonstrate to the satisfaction of the transportation department that the level of service on all streets accessed by the use shall meet the standard set by the city.
8. If the Zoning Administrator determines that a study is necessary the applicant shall provide a parking study which complies with the written guidelines of the Planning and Development Department.
9. The applicant has provided any additional information required by city staff in order to evaluate the impacts of the proposed use upon the area.
10. The following operational standards must be met by the use throughout its operation:
  - a. All external doors shall be closed but not locked during business hours.
  - b. No external speakers will be permitted on the premises of a use permitted under this section, which is located within five hundred (500) feet of a residential district.
  - c. The applicant/operator shall comply with all plans approved as provided herein.

**KL.** Outdoor vehicular display.

1. The maximum area for display shall not exceed twenty (20) percent of the total net lot area.
2. Display shall be limited to hard-surfaced display areas and shall be incorporated into a setting of meaningful open space.
3. All areas designated for vehicle storage shall be screened from view by masonry walls and approved landscape screens from the street and adjacent properties. Vehicle storage areas shall not be subject to the parking lot landscape requirements.

**LM.** Wireless communications facility (WCF) type 4.

1. All use permits shall be granted for a maximum of five (5) years from the date of City Council approval. The applicant shall be responsible for initiating a review of the approved wireless facility and shall demonstrate that changes in technology, that are economically feasible, have not eliminated the need for the use permit. If a new use permit is not granted, the applicant shall be responsible for the removal of the facility. When a use permit is granted for a co-location on a facility with an existing use permit, the action of granting the new use permit shall extend the existing use permit so that they will expire simultaneously.
2. To the degree a proposed WCF meets height requirements set forth in this ordinance, no use permit shall be granted when heights are found to be intrusive, obtrusive or out of character with the surrounding area.
3. Antennas and pole diameters shall be harmonious with the existing context and not be intrusive or obtrusive on the landscape or views.
4. The shape of the WCF shall blend with other similar vertical objects and not be intrusive in its setting or obtrusive to views.
5. The WCF shall blend into its setting and, to the extent that it is visible, not be intrusive on the landscape or obtrusive on views.

**MN.** Plant nursery.

1. The site plan shall indicate all areas of outside display of plant and nonplant materials.
2. No bulk storage of planting materials shall be allowed on site. All outside storage shall occur at the rear of the site and be totally screened by a minimum six-foot high solid masonry wall.
3. Truck loading/unloading areas shall be screened from street views.
4. Large trucks and tractors shall not be allowed on site except for the purpose of transporting vegetation to and from the nursery site.
5. Outdoor public address systems shall not be allowed.
6. Only low-level lighting shall be allowed.
7. Bulk trash containers shall not be allowed on site.

**NO.** Ranch.

1. The minimum property shall be five (5) acres gross.
2. Structures or facilities used for the stabling, storing, showing or training of animals and for temporary manure storage shall be set back a minimum of fifty (50) feet from any single-family residential property other than those zoned R1-190 and R1-130. Dwelling units, accessory structures incidental to dwelling units, and irrigated pasturage may occur within the fifty-foot setback area subject to the setback requirements of the applicable zoning district.
3. The front yard shall be that of the applicable zoning district or forty (40) feet, whichever is greater.
4. There shall be no shows or other activities which would generate more traffic than is normal to a residential area unless the proposed site has direct access from a major street as set forth in the City of Scottsdale right-of-way standards. Permission for such shows may be obtained from City Council. Notification shall be provided in a letter that explains the nature and duration of the activity, accommodations for spectators, traffic impacts and additional parking for cars and trailers. This letter shall be submitted to the City Clerk at least one (1) month prior to the date of the show or activity.
5. All pasture and animal storage shall be enclosed with fences or walls of a minimum of four (4) feet six (6) inches in height. The design of these enclosures shall be shown on drawings submitted with the use permit application.

6. The applicant shall provide a specific plan which includes the physical containment and location for manure storage and/or a disposal program which minimizes odor and fly impacts on adjacent parcels. The spreading and tilling of manure into the soil of paddock, pasture or arena areas may be considered manure disposal.
7. The owner shall provide a specific program for fly control in barn and stable areas which minimizes the attraction to and successful breeding of flies.
8. All laws applicable to the public health must be complied with for the entire period of operation of the ranch.
9. All activity and pasture areas shall be grassed, sprinklered, or treated with regularly tilled high organic soil mix for dust suppression as approved by the project review director.
10. Upon revocation of the use permit or abandonment of the ranch operation any accessory residential structures shall be removed.

**OP. Residential health care facility.**

1. Specialized residential health care facilities.
  - a. The number of beds shall not exceed eighty (80) per gross acre of land.
  - b. A minimum of twenty-four (24) percent of the net lot shall be provided in meaningful open space.
    1. A minimum of one-half of the open space requirement incorporated as frontage open space to provide a setting for the building, visual continuity within the community, and a variety of spaces in the streetscape, except that the frontage open space shall not be required to exceed fifty (50) square feet per one (1) foot of public street frontage and shall not be less than twenty (20) square feet per one (1) foot of public street frontage.
  - c. The site plan shall be designed, to the maximum extent feasible, so that on-site parking is oriented to the building(s) in a manner that will provide convenient pedestrian access for residents, guests, and visitors.
2. Minimal residential health care facilities.
  - a. The gross lot area shall not be less than one (1) acre.
  - b. The number of units shall not exceed forty (40) dwelling units per gross acre of land.
  - c. A minimum of twenty-four (24) percent of the net lot shall be provided in meaningful open space.
    1. A minimum of one-half of the open space requirement incorporated as frontage open space to provide a setting for the building, visual continuity within the community, and a variety of spaces in the streetscape, except that the frontage open space shall not be required to exceed fifty (50) square feet per one (1) foot of public street frontage and shall not be less than twenty (20) square feet per one (1) foot of public street frontage.
  - d. The site plan shall be designed, to the maximum extent feasible, so that on-site parking is oriented to the building(s) in a manner that will provide convenient pedestrian access for residents, guests, and visitors.

**PQ. Seasonal art festival.**

1. The minimum lot area shall be five (5) gross acres in the R-4R, C-2, C-S, C-4, and P.C.C. districts and shall be two and one-half (2 1/2) acres in the P.R.C. and D. districts.
2. In no case shall the gross floor area of all structures exceed the amount equal to six-tenths (0.6) multiplied by net lot area in square feet.
3. In no case shall the volume of all structures exceed the product of the net lot area in square

- feet multiplied by nine (9) feet.
4. Open space:
    - a. In no case shall the open space requirement be less than twenty (20) percent of the lot area.
    - b. Additional open space requirements shall be determined by Development Review Board approval.
  5. No structure shall exceed thirty-six (36) feet in height.
  6. Yards.
    - a. Front yard.
      1. A front yard of not less than fifty (50) feet shall be maintained where the front of the lot abuts an expressway or a major arterial.
      2. A front yard of not less than thirty (30) feet shall be maintained where the front of the lot abuts a minor arterial or less heavily traveled street.
      3. There shall be a landscape screen as determined by Development Review Board approval.
    - b. Side yard.
      1. A side yard of not less than thirty (30) feet shall be maintained where the side of the lot abuts a minor arterial or less heavily traveled street.
      2. A side yard of not less than fifty (50) feet shall be maintained where the rear of a lot abuts a residential district.
      3. There shall be a landscape screen as determined by Development Review Board approval.
    - c. A rear yard of not less than fifty (50) feet shall be maintained where the side of a lot abuts a residential district.
    - d. Operations and storage shall normally be conducted within an area contained by a temporary or permanent security fence which is screened by landscaping as described in paragraphs a.3. and b.3. preceding and as determined by Development Review Board approval or conditioned by use permit approval.
  7. Parking improvements.
    - a. Dustproofed parking areas may be approved pursuant to article IX, Section 9.104.F and Section 9.106.C.1.a.2.
  8. The arts and crafts displayed must be original work produced by the artists represented or reproductions of the original work of those artists.
  9. One (1) legal entity shall be responsible for sales and the collection of sales tax.
  10. Rural Metro fire department must have approved a fire safety plan and agree that fire safety requirements have been met.
  11. Within two (2) weeks of the closing of the business for that season all temporary structures will be removed and the site will be returned to essentially an original appearance.
  12. Food service, if any, shall be provided by qualified concessionaires and will meet all health and sanitation standards established by the appropriate governmental authorities.
  13. Adequate restroom facilities shall be provided.
  14. The grounds, parking lot and yards shall be maintained in a clean and neat condition at all times. Trash receptacles shall be available throughout the grounds and all trash containers shall be screened from off-site view.
  15. Entertainment, if any, shall not create noise levels in excess of ambient noise levels or fifty (50) DB, whichever is greater, measured at the property line.
  16. The granting of a use permit shall not produce an incremental or cumulative effect of similar

uses which would be detrimental to the city.

17. On-site restrooms, offices and maintenance facilities shall be housed in permanent structures if the festival(s) occupies a site for more than two hundred seventy (270) days in any three-year period.

**QR. Service stations.**

1. The application shall include a detailed landscape plans showing plant, type, size and spacing. All landscape plans shall include an automated watering system and planting areas shall constitute a minimum of five (5) percent of the lot area and may be required to include as much as twenty (20) percent of the site, depending upon site size. Lack of care and maintenance of the landscape areas shall be considered due cause for revocation of the use permit. All trees planted shall have a minimum caliper of two (2) inches and all shrubs shall be at least five-gallon size.
2. All structures approved under this use permit shall be of a unique design character that is appropriate to the area in which they are to be constructed. Renderings of building shall accompany each application and construction shall be in reasonable conformity thereto. All canopies shall be connected to the roof of the main structure unless otherwise approved.
3. No driveway shall extend into the curb radius.
4. All source of artificial light shall be concealed and shall be attached to the main structure, unless otherwise specifically approved. All lighting shall be so designed as to permit no glare.
5. The minimum area of a lot considered adequate to accommodate this use, exclusive of street dedication, shall be twenty-two thousand five hundred (22,500) square feet.
6. A solid masonry wall or planting screen shall be required between all service station sites and residentially zoned property. (Height shall be as determined in each case.)
7. Each site plan for a service station shall show three (3) types of areas as follows:
  - a. Building area.
  - b. Service area which shall be screened from view by a masonry wall and within which all automotive repair and service shall take place. Entry to indoor service areas shall be from the rear of the station except in cases where it may be approved otherwise by the City Council.
  - c. Sales area.
8. None of the above criteria shall prohibit the City Council from considering an application to reconstruct or remodel an existing service station.

**RS. Teen dance center.**

1. No teen dance center shall be located within three hundred (300) feet of an establishment selling packaged spirituous liquors.
2. No portion of a teen dance center shall at any time be illuminated with lighting of less than two (2) footcandles per square foot. This requirement shall apply to parking areas and any other outdoor areas related to the dancing operation.
3. A security plan shall be approved by the Chief of Police.
4. No disorderly or boisterous person or any person using spirituous liquors or illegal drugs shall be permitted to enter the premises or remain on the premises.
5. A patron who leaves that portion of the premises in which the dancing operation is contained shall not be readmitted without paying a separate fee for readmission.
6. A teen dance center shall not operate without a valid business license.

**ST. Tennis club.**

1. The minimum property size shall be three (3) acres.
2. If courts are lighted, lighting standards shall not exceed thirty (30) feet in height. Lighting shall be placed and shielded so as not to be detrimental to adjoining properties.
3. Fencing of courts shall not exceed twelve (12) feet in height and may be required to be opaque by the City Council.
4. There shall be no shows, tournaments or other activity which would generate more traffic than is normal to a residential area, unless access is provided from an arterial street as set forth in the City of Scottsdale right-of-way standards. Permission for such shows and activities may be obtained from the City Council. Permission shall be requested in a letter that explains the nature and duration of the activity and accommodations for spectators, additional parking and traffic. This letter shall be submitted to the City Clerk at least one (1) week prior to the hearing at which consideration is desired.
5. There shall be a heavily landscaped fifty-foot buffer strip adjacent to any residential zoning district or as otherwise determined by the City Council.
6. Development review approval shall be obtained for all structures.
7. Hours of operation may be controlled by the City Council.
8. Perimeter fencing of the site may be required by the City Council.

(Ord. No. 1841, § 1, 10-15-85; Ord. No. 1851, § 1, 11-5-85; Ord. No. 1876, § 1, 1-21-86; Ord. No. 1902, § 1, 9-2-86; Ord. No. 1971, § 1, 8-4-87; Ord. No. 2266, § 1, 11-21-89; Ord. No. 2311, § 1, 8-21-90; Ord. No. 2420, § 1, 12-17-91; Ord. No. 2430, § 1, 1-21-92; Ord. No. 2526, § 1, 3-16-93; Ord. No. 2586, § 1, 8-3-93; Ord. No. 2620, § 1, 8-2-94; Ord. No. 2830, § 1, 10-17-95; Ord. No. 2858, § 1, 12-5-95; Ord. No. 3048, § 1, 10-7-97; Ord. No. 3103, § 1, 1-6-98; Ord. No. 3225, § 1, 5-4-99; Ord. No. 3394, 6-19-01; Ord. No. 3493, § 1, 3-4-03)

## ARTICLE III. DEFINITIONS

### Sec. 3.100. GENERAL.

For the purpose of this ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural, and the plural shall include the singular; the word "building" shall include the word "structure", and the word "lot" shall include the word "plot"; the word "may" is permissive, and the word "shall" is mandatory, further the word "or" shall mean "either" and the word "and" shall mean "in conjunction with."

*Abutting* shall mean the condition of two (2) adjoining properties having a common property line or boundary, including cases where two (2) or more lots adjoin only a corner or corners, but not including cases where adjoining lots are separated by a street or alley.

*Access* or *accessway* shall mean the place, means, or way by which pedestrians and vehicles shall have safe, adequate and usable ingress and egress to a property or use as required by this ordinance.

*Accessory building* shall mean a building, the use of which is customarily incidental to that of a dominant use of the main building or premises including bona fide household employees' quarters.

*Accessory use* shall mean a use customarily incidental, related, appropriate and clearly subordinate to the main use of the lot or building, which accessory use does not alter the principal use of the subject lot or building or adversely affect other properties in the district.

*Acre* shall mean a land area measuring forty-three thousand five hundred sixty (43,560) square feet.

*Adjacent* shall mean the condition of being near to or close to but not necessarily having a common dividing line, *i.e.*, two (2) properties which are separated only by a street or alley shall be considered as adjacent to one another.

*Adult bookstore* shall mean any commercial establishment having as a substantial or significant portion of its stock in trade books, magazines, other periodicals, motion pictures, or video cassettes, video disks or other similar means of visual communication which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas".

*Adult care home* shall mean a residential care institution which provides supervisory care, personal care, or custodial care services to adults who require the assistance of no more than one (1) person to walk or to transfer from a bed, chair, or toilet, but who are able to self-propel a wheelchair, as subject to licensing by the State of Arizona.

*Adult live entertainment establishment* shall mean any commercial establishment which provides any of the following entertainment or services during any part of two (2) or more consecutive days or during any part of more than one (1) day within any ninety (90) day period:

- A. Any dancing, such as bottomless or topless, striptease, go-go, flash, exotic dancers, or any similar performance where the dancer's clothing does not completely and opaquely cover "specified anatomic areas" as defined herein.
- B. Any modeling, wrestling, sports performance or service or retail activity where the clothing of the participants does not completely and opaquely cover "specified anatomical areas" as defined herein.

*Adult novelty store* shall mean any commercial establishment having as a substantial or significant portion of its stock in trade instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities," excluding condoms and other birth control and disease prevention products.

*Adult theater* shall mean any commercial establishment regularly use for presenting for observation by patrons therein any film or plate negative, film or plate positive, film or tape designed to be projected on a screen for exhibition, or films, glass slides or transparencies, either in negative or positive form, and which is designed for exhibition by projection on a screen, or in any type of viewing booth or any other visual presentation, including supportive audio or other sensory communication media, which

projects images by electronic, mechanical, or similar means which may be viewed by patrons alone or in groups of two (2) or more which is distinguished or characterized by an emphasis on matter depicting, describing or relating to "specific sexual activities" or "specified anatomical areas."

*Adult uses* shall mean adult bookstores, adult novelty stores, adult theaters, or adult live entertainment establishments.

**AFTER HOURS ESTABLISHMENT INCLUDES ANY BUSINESS WHICH IS OPEN TO PATRONS DURING THE HOURS OF 1:00 A.M. TO 6:00 A.M. WHICH IS THE BUSINESS PREMISES OF A STATE ON-SALE RETAIL LIQUOR LICENSEE AND WHERE DANCING OR LIVE ENTERTAINMENT OCCURS.**

*Alley* shall mean a public thoroughfare which affords only a secondary means of vehicular access to abutting property and is not intended for general traffic circulation. An alley line shall mean the centerline of an alley right-of-way as determined by the city engineer.

*Amusement park* shall mean a commercial amusement activity such as a carnival, circus, miniature golf course or similar establishment which does not require an enclosed building.

*Alternative concealment WCF* means a free-standing unoccupied structure that camouflages, integrates, or conceals the presence of wireless communications facility antennas. Some examples include, but are not limited to, art/sculptures and artificial trees, cacti, and rock formations. This does not include antennas concealed in buildings and within flagpoles.

*Amendment* shall mean a change in the wording, context or substance of this ordinance, an addition or deletion or a change in the district boundaries or classifications upon the district map, which imposes any regulation not heretofore imposed or removed or modifies any such regulation theretofore imposed.

*Analogous use* shall mean any use which is comparable to the permitted uses, is similar in one (1) or more important ways to the permitted uses, or resembles the permitted uses in one (1) or more aspects. Analogous uses shall not be any more deleterious, obnoxious or harmful than the uses permitted.

*Animal clinic or animal hospital* shall mean a place where animals or pets are given medical or surgical treatment in emergency cases and are cared for during the time of such treatment. Use as kennel shall be limited to short-time boarding and shall be only incidental to such hospital use and shall be enclosed in a soundproof structure.

*Antenna* means the surface from which wireless radio signals are sent from and received by a personal wireless facility:

- A. Whip antenna is a long and thin device that transmits and/or receives radio frequency signals in a three hundred sixty (360) degree radial pattern.
- B. Panel antenna is a relatively flat rectangular device that transmits and/or receives radio frequency signals in a directional pattern of less than three hundred sixty (360) degrees.
- C. Dish antenna is a bowl-shaped device for the reception and/or transmission of radio frequency communications signals in a specific directional pattern.

*Archaeological resources* means any material remains of past human life or activities which are at least fifty (50) years old and of historic or pre-historic significance. Such materials include, but are not limited to petroglyphs, pictographs, paintings, ornaments, jewelry, textiles, ceremonial objects, armaments, vessels, ships, vehicles, human skeletal remains, rock art, pottery, basketry, bottles, weapons, weapon projectiles, tools, structures or portions of structures, water-control devices, pit houses, rock paintings, rock carvings, intaglios, graves, personal items and clothing, household or business refuse, printed matter, manufactured items, or any piece of any of the foregoing items..

*Archaeological site* means a concentration of archaeological resources inferred to be locations used for past specific human activities.

*Archaeological site, recorded*, means an archaeological site in Arizona that has been identified by a qualified archaeologist and has been recorded in a database at the Arizona State Museum and/or the State Historic Preservation Office (SHPO) so that the location is mapped and documentation on the archaeological resources found at the location or collected from the location is available for research use.

*Archaeological site, significant*, shall mean archaeological resources determined by the Historic Preservation Officer, Historic Preservation Commission, or a Committee of the Commission, to be significant in the City of Scottsdale when one or more of the city's nine (9) criteria for significance are contained in the archaeological resources on a property, or designated HP District by City Council.

*Archaeologist, City*, shall mean the Qualified Archaeologist appointed by the City Manager, or designee, to administer the sections of the zoning ordinance of the City of Scottsdale relating to archaeological resources.

*Archaeologist, qualified*, shall mean an individual or firm meeting the Arizona State Museum's standards and professional qualifications.

*Art shows* shall mean the sale and display of original arts and crafts. Original arts and crafts include one of a kind or limited edition materials.

*Automobile dealer, new* shall mean a franchised agency selling new motor vehicles and providing services commonly associated with motor vehicle sales. A new automobile dealership may include the sale of used motor vehicles.

*Automobile dealer, used* shall mean an agency selling used motor vehicles not in conjunction with and on the same site as a new motor vehicle franchise and providing services commonly associated with motor vehicle sales.

*Automobile storage facility* shall mean a building or lot or portion thereof designed or used exclusively for housing or storing of four (4) or more motor-driven vehicles.

*Automotive repair* shall mean all aspects of the repair of motor vehicles including, but not limited to, lubrication, tune-up and preventive maintenance.

*Balcony* shall mean that portion of a building which projects into the required yard and where the floor height of said projection is not less than four (4) feet above grade.

~~*Bar or cocktail lounge* shall mean an establishment whose primary business is the serving of alcoholic beverages to the public for consumption on the premises.~~

**BAR OR COCKTAIL LOUNGE INCLUDES ANY BUSINESS THAT OFFERS ALCOHOLIC BEVERAGES FOR SALE, IS NOT AN ACCESSORY USE TO A HOTEL, AND MEETS ANY OF THE FOLLOWING CRITERIA:**

- A. THE BAR SERVICE AREA IS IN EXCESS OF FIFTEEN (15) % OF THE GROSS FLOOR AREA.**
- B. THE KITCHEN IS LESS THAN FIFTEEN (15) % OF THE GROSS FLOOR AREA.**
- C. AGE VERIFICATION IS REQUESTED FOR ADMITTANCE.**
- D. A COVER CHARGE IS REQUIRED FOR ADMITTANCE, EXCEPT FOR SPECIAL EVENTS AS PERMITTED THROUGH THE CITY'S SPECIAL EVENT PERMIT PROCESS.**
- E. LESS THAN FORTY (40) PERCENT OF GROSS REVENUES ARE DERIVED FROM THE SALE OF PREPARED FOOD.**
- F. THE BUSINESS REMAINS OPEN AND LIQUOR SALES CONTINUE BUT THE FULL KITCHEN CLOSSES BEFORE NINE (9) PM.**

**BAR SERVICE AREA INCLUDES THE FLOOR AREAS UNDER INDOOR AND OUTDOOR BARS COUNTER TOPS AND THE FLOOR AREA BEHIND THE BARS COUNTER TOPS USED FOR THE STORAGE, PREPARATION AND SERVING OF FOOD OR DRINKS.**

*Basement* shall mean that portion of a building between floor and ceiling, which is partly below and partly above grade, but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling. (See *story*).

*Big box* shall mean any single retail space with a building footprint of equal to or greater than seventy-five thousand (75,000) square feet.

*Boarding stable*. See *commercial stable*.

*Boardinghouse* or *lodginghouse* shall mean a building where, for definite periods, lodging with or without meals is provided for three (3) or more persons but not exceeding twenty (20) persons.

*Bona fide household employee's quarters* shall mean an accessory building located on the same premises with the dwelling unit, used solely as the dwelling of persons employed on the same premises as the dwelling unit, such quarters having no kitchen facilities.

*Boulder collapse* is the natural process of splitting or felling of large boulders (four (4) feet or larger in dimension).

*Boulder features* are exposed bedrock or bedrock clusters produced by the weathering of granite or other bedrock in place. Boulder features are categorized as 1) single boulder formations and 2) boulder clusters, which meet the following criteria: a single boulder formation is defined as a primarily single, solid rock formation that has at least one (1) dimension of twenty-five (25) feet or more across, and a height at one (1) point above the surrounding terrain of twenty (20) feet or more. Boulder clusters are defined as a collection of boulders and rock outcroppings in which the individual boulders are typically eight (8) feet in diameter or larger and the collective boulders are densely clustered. Boulder clusters shall have a collective width of at least fifty (50) feet and a height at one (1) point above the surrounding terrain of at least twenty-five (25) feet.

*Boulder rolling* is the natural phenomenon where granite, gneiss, basalt or similar rock fragments, with one (1) dimension of four (4) feet or more, are dislodged from rock outcrops or steep rock slopes and slide or roll downhill.

*Building* shall mean any structure for the shelter, housing or enclosure of persons, animals, chattels or property of any kind, with the exception of dog houses, play houses and similar structures. Each portion of a building separated by dividing wall or walls without openings may be deemed a separate building for the purpose of issuing building permits.

*Building footprint* shall mean the building area occupied by a single tenant and associated tenant spaces having common access within the confines of the primary use. The building footprint does not include outdoor activity areas, basements, or floor areas above the first floor level.

*Building, height of* shall mean the vertical distance measured from a point of reference elevation established twelve (12) inches above the average elevation at the top of the curb of the street or streets adjacent to the property, or to the top of the crown of the roadway or roadways, if there is no curb, to the highest point of the coping of a flat roof, or to the highest point of a mansard roof or to the highest gable of a pitch or hip roof. In cases where drainage considerations supersede this ordinance, the point of reference elevation would be subject to the approval of the city engineer.

*Building mounted antenna* shall include any antenna that is attached to the walls of, or integrated into buildings, church steeples, cooling towers, elevator bulkheads, parapets, penthouses, fire towers, tanks, and water towers, or other structures.

*Building official* shall mean the person, or his designee, authorized to grant permits for construction, alteration, and demolition pursuant to the Construction Code adopted by the City of Scottsdale.

*Building site* shall mean the area of a building together with associated parking areas and open space required by this ordinance. A building site may encompass more than one (1) lot.

*Canister-mount* means a cylindrical shaped form concealing wireless communications antennas mounted on a monopole, other type of pole, or tower.

*Carnivals (major)* shall mean a promotional event intended to attract people to a site where there may or may not be an admission charge, and which may include such activities as rides, entertainment, game booths, food stands, exhibitions, and animal displays.

*Carnivals (minor)* shall mean a promotional event intended to attract people to a site where there is no admission charge, and which may include up to seven (7) small rides, each a maximum of fifteen (15) feet in height, and such activities as entertainment, game booths, food stands, exhibitions, and animal displays.

*Carport* shall mean an accessory building or portion of a main building with two (2) or more open sides designated or used for the parking of motor vehicles. Enclosed storage facilities may be provided as part of a carport.

*Cellar* shall mean that portion of a building between floor and ceiling which is wholly or partly below grade and so located that the vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling. (See *story*).

*Certificate of Appropriateness* shall mean an official form issued by the city stating that the proposed work on an historic or archaeological resource is compatible with the historic or archaeological character of the property and, therefore: (1) the proposed work may be completed as specified in the certificate; and (2) the city's departments may issue any permits needed to do the work specified in the certificate.

*Certificate of No Effect* shall mean an official form issued by the city stating that proposed work on a historic or archaeological resource will have no detrimental effect on the historic character of the resource and, therefore, may proceed as specified in the certificate without obtaining further authorization under this ordinance, and authorizing the issuance of any permits for said proposed work.

*Certificate of Demolition Approval* shall mean an official form issued by the city authorizing removal of all or part of a structure which is located within an Historic Property District or an area under application for Historic Property District designation.

*Certificate of Economic Hardship* shall mean an official form issued by the city, in connection with a Certificate of Demolition Approval, demonstrating that a reasonable rate of return cannot be obtained for an income producing property or that no beneficial use exists for a non-income producing property.

*Charter school* shall mean a public school, including pre-school and any grades kindergarten through twelfth grade, established by contract with a district governing board, the state board of education or the state board of charter schools to provide learning that will improve pupil achievement.

*Church, synagogue or temple* shall mean a permanently located building commonly used for religious worship. Churches, synagogues or temples shall conform to the uniform building code and are subject to development review approval.

*City* shall mean the City of Scottsdale.

*City Council* shall mean the City Council of the City of Scottsdale.

*Cluster housing* shall mean housing which qualifies for section 7.856 [6.1082], "cluster development option", or is perceived as a complex of closely related structures.

*Coin-operated laundry and cleaning service* shall mean establishments primarily engaged in the operation of coin-operated or similar self-service laundry and dry cleaning equipment for use on the premises.

*Co-location* means the use of a single mount and/or site by more than one (1) personal wireless service.

*Common open space* shall mean any meaningful open space, other than private or frontage open space, intended for use by all occupants of a development. This space may include recreation oriented areas.

*Community college* shall mean an educational institution authorized by the Arizona State Board of Directors for Community Colleges to offer academic or technical courses and to grant associate academic degrees.

*Conditional uses* shall mean those uses specified with each zoning district which require approval of a special permit by the City Council. Such permits may be limited by specific conditions, restrictions, terms or time periods, and may be revocable.

*Condominium* shall mean an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in air space in a residential, industrial or commercial building on such real property, such as apartment, office or store.

*Construction Code* shall mean those codes adopted by the City, including the building code, electrical code, mechanical code, and plumbing code codified in chapter 31 of the Scottsdale Revised Code, which regulate construction in the city and require building permits, electrical permits, plumbing permits and/or other permits to do work regulated by the City of Scottsdale.

*Construction envelope* is one (1) or more specified areas on a lot or parcel within which all structures, driveways, parking, nonnative landscaping, water surfaces, decks, walks, walls, and improved recreation facilities are located. Underground utilities and perimeter walls may be located outside the construction envelope.

*Convalescent home or nursing home* shall mean any place or institution which makes provisions for bed care, or for chronic or convalescent care for one (1) or more persons exclusive of relatives, who by reason of illness or physical infirmity are unable to properly care for themselves. Alcoholics, drug addicts, persons with mental diseases and persons with communicable diseases, including contagious tuberculosis, shall not be admitted or cared for in these homes licensed under the State of Arizona, as a convalescent and nursing home.

*Corporate headquarters office* shall mean a complex of buildings whose purpose is to be the administrative center of a business enterprise. Corporate headquarters may include transient residential units only for employees subject to any and all provisions of this ordinance.

*Corral* shall mean a fence-type structure consisting of vertical posts and horizontal members, and so constructed that seventy-five (75) percent or more of the vertical surface is open. Chain link or other similar types of wire fences are not intended to be included in this definition and shall be classified as a fence or wall.

*Curb elevation* shall mean the average elevation of a curb adjacent to a development from which the height of a building is determined.

*Day care* shall mean the care, supervision and guidance of a person or persons who is unaccompanied by a parent, child, guardian or custodian, for periods of less than twenty-four (24) hours per day, in a place other than persons' own home or homes.

*Day care, adult* shall mean the day care oriented to the care of ambulatory adults over the age of fifty (50) years.

*Day care, child* shall mean day care oriented to the care of children of up through the age of fourteen (14) years.

*Day care center* shall mean any facility where the care, supervision and guidance of five (5) or more children, age fourteen (14) years and under unaccompanied by parent, guardian or custodian occurs on a regular basis for periods of care of less than twenty-four (24) hours per day, in a place other than the children's own homes for compensation.

*Day care group home* shall mean any residential facility where the care, supervision and guidance of at least five (5) but not more than ten (10) children, age twelve (12) years and under, unaccompanied by parent, guardian or custodian occurs on a regular basis for periods of less than twenty-four (24) hours per day, in a place other than the children's own homes for compensation.

*Day care home* shall mean any facility where the care, supervision and guidance of no more than four (4) children, unaccompanied by parent, guardian or custodian occurs on a regular basis for periods of care of less than twenty-four (24) hours per day, in a place other than the children's own homes for compensation.

*Demolish* shall mean any act or process which removes a building or other structure or any portion thereof.

*Demolition Permit* shall mean a permit issued by the building official allowing the permittee to demolish a building or structure.

*Density* is usually used to describe the number of dwelling units per acre in residential districts, while intensity is usually used to describe floor area ratio of development in nonresidential zoning districts. Where both residential and nonresidential districts are encompassed, the term intensity is generally used.

*Density based land uses* shall mean those of a residential nature.

*Desert open space, meaningful* is desert open space that due to its size, function, visibility, accessibility and/or strategic location is a community amenity or resource. Meaningful desert open space is open space the community can access or see. It also is open space that serves to protect a significant ecological area.

*Development* means the performance of any building or mining operation, the making of any material change in the use or appearance of any structure or land, the division of land into two (2) or more parcels, and the creation or termination of access rights. "Development" includes, but is not limited to, such activities as the construction, reconstruction, or alteration of the size, or material change in the external appearance of a structure or land; commencement of mining excavation, trenching, or grading; demolition of a structure or removal of vegetation; deposit of refuse, solid waste or fill; alteration of a floodplain, or bank of watercourse.

*Development Agreement* shall mean an agreement made pursuant to A.R.S. § 9-500.05.

*Development project* is any development resulting from the approval of a building permit, lot split, preliminary or final plat, rezoning application, grading permit, public or private infrastructure improvement, variance requests, development review, master plans, native plant removal, relocation or revegetation, or use permit.

*Development site* is a specific area within the development project which is proposed for a specified zone, use, or density, and may be developed separately from the balance of the development project by a person other than the master development plan applicant.

*District* shall mean any zone as shown on the zoning map of the City of Scottsdale for which there are uniform regulations governing the use of buildings and premises or the height and area of buildings.

*District map* shall mean the official zoning map of the City of Scottsdale, which is a part of the zoning ordinance of the City of Scottsdale.

*Dwelling* shall mean any building, or portion thereof, which is designed exclusively for residential purposes.

*Dwelling, multiple* shall mean a building or portion thereof designed for occupancy by three (3) or more families.

*Dwelling, single-family* shall mean a building designed for occupancy by one (1) family.

*Dwelling, two-family* shall mean a building designed for occupancy by two (2) families.

*Dwelling unit* shall mean one (1) or more rooms in a dwelling designed for occupancy by one (1) family for living purposes and having its own cooking and sanitary facilities.

*Efficiency apartment* shall mean a dwelling unit which has only one (1) combined living and sleeping room, said dwelling unit, however, may also have a separate room containing only kitchen facilities and also a separate room containing only sanitary facilities.

*Environmental scientists* are professionals with training or experience in areas such as environmental planning, physical geography, environmental geology, ecology, botany, soil sciences, or natural resource administration.

*Environmental design concept master plan* is a document that includes plans, design methods, guidelines and other similar material that outline the concepts to be used on a development project for open

spaces, streetscapes, trails, common and public areas and the protection, conservation, and enhancement of environmentally sensitive features or conditions of a parcel.

*Equipment cabinet* means an enclosed shed or box at the base of or near a PWSF mount within which are housed, among other things, batteries and electrical equipment (hereinafter referred to as "equipment"). This equipment is connected to the antenna by cable.

*Exposed/shallow bedrock* is bedrock which is exposed or which has irregular patches of soil cover that may vary in depth or location over time. The maximum depth of the soil cover is three (3) feet. Locations containing exposed/shallow bedrock shall be mapped if they have a minimum horizontal dimension of forty (40) feet or more.

*Family* shall mean one (1) or more persons occupying a premise[s] and living as a single housekeeping unit as distinguished from a group occupying a boardinghouse, lodginghouse or hotel as herein defined.

*Farm* shall mean an area of five (5) or more contiguous acres which is used for the production of farm crops such as vegetables, fruit trees, cotton or grain and their storage, as well as raising thereon of farm animals such as poultry or swine on a limited basis. Farms also include dairy produce [products]. Farming does not include the commercial raising of animals, commercial pen feeding (feed lots) or the commercial feeding of garbage or offal to swine or other animals.

*Festival* shall mean the sale of ethnic specialty, regional and gourmet foods, art and crafts, live musical entertainment, in an outdoor setting.

*Fitness studio* shall mean a place or building where passive or active exercises and related activities are performed for the purpose of physical fitness, improved circulation or flexibility, and/or weight control. The activities shall be conducted entirely within an enclosed building. Fitness studio may include passive exercise equipment (motorized equipment which does not require physical exertion) but exclude equipment or apparatus used for weight control or muscle building, and shall exclude massage in any form.

*Flag Lot* is a lot that is narrower along the roadway frontage than at the building site and employs a long, narrow driveway and lot line configuration that extends from the roadway to the building site.

*Floor area ratio* shall mean the ratio of gross building floor area to the net lot area of the building site.

*Frontage* shall mean all property on one (1) side of a street between two (2) intersecting streets (crossing or terminating) measured along the line of the street, or, if the street is dead end, then all of the property abutting on one (1) side between an intersecting street and the dead end of the street including property fronting on a cul-de-sac.

*Frontage open space* shall mean all the meaningful open space between the right-of-way line of a dedicated public street and any perimeter structure(s) within the development, except that this space may extend between structures or between a structure and a side property line to a depth of not more than one-half the width of the opening.

*Garage, private* shall mean any accessory building or portion of a main building designed or used for the storage of not more than three (3) motor-driven vehicles, provided that no private garage may be used or rented for the storage of commercial trucks having a capacity in excess of one (1) ton.

*Game center* shall mean a place or facility where pinball or other similar electronic games are played for amusement only. "Game center" shall not be construed so as to include bingo games nor shall it be construed so as to include gambling devices or any other devices prohibited by law.

*Golf course, regulation or par-three* shall mean a facility other than a miniature golf course for the playing of golf at which there may be a clubhouse including rest rooms and locker rooms. A golf course may provide additional services customarily furnished such as swimming, outdoor recreation and related retail sales that may include a restaurant and cocktail lounge if approved as a part of the required use permit.

*Golf training center* shall mean a facility other than a miniature golf course or commercial driving range providing primarily both indoor and outdoor professional instruction in all phases of golf learning skills. Accessory uses may be allowed if approved as part of the required use permit.

*Grade (adjacent ground elevation)* shall mean the lowest point of elevation of the finished surface of the ground between the exterior wall of a building and a point five (5) feet distant from said wall, or the lowest point of elevation of the finished surface of the ground between the exterior wall of a building and the property line if it is less than five (5) feet distant from said wall. In case walls are parallel to and within five (5) feet of a public sidewalk, alley or other public way, the grade shall be the elevation of the sidewalk, alley or public way.

*Grand opening* shall mean the introduction, promotion or announcement of a new business, store, shopping center or office, or the announcement or introduction or promotion of an established business changing ownership or location.

*Gross floor area* is the sum of the gross areas of the several floors of a building or buildings, measured from the exterior faces of exterior walls or from the center lines of walls separating two (2) buildings. Gross floor area shall not include:

- a. Underground parking space.
- b. Uncovered steps.
- c. Exterior balconies.

*Gross lot area* shall mean the area of a lot including one-half of all dedicated streets and alleys abutting the property.

*Guest house* shall mean an attached or detached accessory building used to house guests of the occupants of the principal building, and which is never rented or offered for rent.

*Guest house with cooking facilities* shall mean an attached or detached accessory building equipped to operate major appliances requiring two hundred twenty (220) volts electric for the purposes of housing guests of the occupants of the principal building, and which is never rented or offered for rent.

*Guest ranch* shall mean a use incorporating two (2) or more guest rooms, other than a boardinghouse, hotel or motel, and including outdoor recreational facilities such as but not limited to horseback riding, swimming, tennis courts, shuffleboard courts, barbecue and picnic facilities, and dining facilities intended primarily for use by the guests of the guest ranch. Bars and restaurants which cater primarily to those other than guests of the guest ranch are not permitted.

*Haunted house* shall mean temporary structures which house booths, displays, live performances relating to Halloween themes.

*Health studio or health spa* shall mean a place or building where active exercise and related activities are performed utilizing weight control or muscle building equipment or apparatus for the purpose of physical fitness. "Health studio or spa" shall also mean a place or building which provide massage, exercise, and related activities with or without such equipment or apparatus. Massage shall exclude massage by one (1) person to another of the opposite gender, and shall comply with all provisions of all applicable ordinances of the City of Scottsdale. The activities shall be conducted primarily within an enclosed building.

*High-rise building* shall mean a building which exceeds thirty-six (36) feet in height as defined herein.

*Hillside landforms* are the more elevated, deeper and rugged landforms which tend to divide broad desert valleys or separate the lower deserts from higher plateau regions, to the north and east. These landforms include mountains, hills, buttes, or escarpments predominantly composed of bedrock materials. Typical bedrock materials include volcanics such as basalt and tuff; intrusives such as granite; and metamorphics such as diorites, quartzites, and schists. Locally slopes may be covered by colluvium comprised of upslope bedrock materials or by thin veneers of in-situ soils. Land slopes are usually above fifteen (15) percent and in most cases are over thirty-five (35) percent, but may be as little as five (5) percent in isolated pockets, typically atop ledges or near ridge tops. Drainageways are relatively poorly defined on the slopes but collect into deep canyon bottom courses strewn with large-sized rubble. Hazards which may be present include boulder rolling, rock falls, debris movement and general slope instability. The surface movement of materials occurs as a result of both gravity and water transport. The surface material size includes larger boulders, rocks and gravel as well as grainy soil materials.

*HP or Historic Property District* shall mean an historic resource subject to HP (Historic Property) zoning overlay zoning.

*Historic designation report* shall mean the written and visual information compiled to demonstrate how and why a Scottsdale resource may be eligible to be placed on the Scottsdale Historic Register and zoned HP District.

*Historic Preservation Commission* shall mean the Historic Preservation Commission appointed by the Scottsdale City Council for the City of Scottsdale.

*Historic Preservation Officer* shall mean the person appointed by the City Manager to administer the Historic Preservation Program and maintain the Scottsdale Historic Register.

*Historic Preservation Plan* shall mean a plan for the preservation of historic resources and landmarks on the Scottsdale Historic Register.

*Home exhibition* shall mean a one-time display of homes including furnishing and accessories in an unoccupied subdivision. The exhibition may include live entertainment, food sales, street closures, and other activities.

*Home occupation* shall mean any occupation or profession carried on by a member of a family, residing on the premises, and which is clearly incidental to the use of the structure for dwelling purposes and which does not change the exterior character of the premises in any way. There shall be no commodity sold upon the premises, nor shall such use generate pedestrian or vehicular traffic beyond that normal to the district in which it is located, and further there shall be no signs, buildings or structures other than those permitted in the district.

A carport or garage may not be used for home occupations. There shall be no use of material or mechanical equipment not recognized as being part of normal household or hobby use. Home occupation shall include the use of premises by a physician, surgeon, dentist, lawyer, clergyman, or other professional persons for consultation or emergency treatment, but not for the general practice of his profession.

*Hospital* shall mean a facility for the general and emergency treatment of human ailments, with bed care and shall include sanitarium and clinic but shall not include convalescent or nursing home.

*Hotel* shall mean a building in which lodging is provided and offered to the public for compensation and which is open to transient guests.

*Improved open spaces* are "constructed" landscaped areas, turf areas, parks, golf courses and other recreational facilities excluding any associated buildings.

*Institution* shall mean a building or buildings occupied by a nonprofit corporation or a nonprofit establishment for public use.

*Intensity* is usually used to describe floor area ratio of development in nonresidential zoning districts, while density describes number of dwelling units per acre in residential districts. Where both residential and nonresidential districts are encompassed, the term intensity is generally used.

*Irrigation system* shall mean an underground watering system which consists of heads, valves, pipes, etc., used for the sole purpose of sustaining and promoting plant life.

*Kennel* shall mean any premises where six (6) or more dogs or cats are bred, boarded and/or trained.

**KITCHEN INCLUDES ONLY THOSE AREAS USED FOR THE PREPARATION AND COOKING OF FOOD AND DISHWASHING INCLUDING ALL AREAS ACCESSORY THERETO, AND NOT INCLUDING WALK-IN REFRIGERATORS OR COLD STORAGE ROOMS OR ROOMS AREAS FOR THE STORAGE OF FOOD OR BEVERAGES.**

*Land slope* is the ratio of the vertical rise in the land elevation over the horizontal dimension of the rise. For the purposes of the zoning ordinance the maximum horizontal dimension that shall be used to measure slope is one hundred (100) feet for all other areas. The allowed techniques for measuring slopes include the "slide-chord" method, computerized methods, or other methods approved by project review staff.

*Landscape materials.* Any materials used for the purpose of landscape improvement which may include, but shall not be limited to, the following: trees, shrubs, groundcovers, turf, vines, walkways, berms, and stone groundcover materials.

*Landscape plan.* A graphic representation of the development site indicating the location of all existing and proposed landscape improvements to be present on the site at the completion of the construction of the project. Such landscaping plan shall consist of preliminary and final plans as set forth herein.

*Landscaped area* shall mean an area which has been improved through the harmonious combination and introduction of trees, shrubs, and ground cover, and which may contain natural topping material such as boulders, rock, stone, granite or other approved material. The area shall be void of any asphaltic or concrete pavement except where walks are allowed.

*Landscaping.* An exterior improvement of property in accordance with an approved landscape plan and utilizing approved landscape materials.

*Light reflective value (LRV).* A measurement of the amount of light reflected by a paint color.

*Live entertainment* shall mean a use which includes but is not limited to disc jockey, live bands, comedians, theater for the performing arts and other forms of entertainment which include live performances at a commercial establishment, provided that the following shall not be considered live entertainment for purposes of this ordinance: (1) adult use live entertainment establishments which are subject to the requirements of section 1.403.A of this ordinance; (2) performances by one (1) or two (2) performers with no voice or instrument amplification; (3) incidental modeling of clothing and/or singing by employees of the establishment, for which no additional floor area is required.

*Loading space* shall mean a permanently maintained space on the same lot as the main building accessible to a street or alley.

*Lot* shall mean a legally created parcel of land occupied or intended for occupancy by one (1) main building together with its accessory buildings, and uses customarily incident to it, including the open spaces required by this ordinance and having its principal frontage upon a street as defined in this ordinance.

*Lot area* shall mean the same as *net lot area*.

*Lot, corner* shall mean a lot adjoining two (2) or more streets at their intersections.

*Lot coverage* shall mean the area of land which is covered by a building on a particular site. Lot coverage shall be the percentage of net lot area which is covered by the gross floor area of the first floor.

*Lot, depth of* shall mean the horizontal distance between the front and rear lot lines.

*Lot, double frontage* shall mean a lot having a frontage on two (2) nonintersecting streets, as distinguished from a corner lot.

*Lot, interior* shall mean a lot other than a corner lot or key lot.

*Lot, key* shall mean a lot adjacent to a corner lot having its side lot line in common with the rear lot line of the corner lot and facing on the street which forms the side boundary of the corner lot.

*Lot lines* shall mean the lines bounding a lot.

*Lot of record* shall mean a lot which is a part of a subdivision, the plat of which has been recorded in the office of the clerk of Maricopa County Recorder's Office; or parcel of land, the deed of which is recorded in the office of the county recorder.

*Lot width* shall mean, in the case of irregularly shaped lots, lots having side lot lines not parallel, or lots on the curve of a street, the distance between side lot lines measured thirty (30) feet behind the required minimum front setback line parallel to the street or street chord.

*Lower desert landforms* are the lower plains and expanses which typically occupy the broad lowlands and floodplains between isolated desert mountains. These landforms generally include basin floors and active alluvial fans. Generally, the depth to bedrock is deep to very deep (one hundred (100) feet to over two thousand (2,000) feet) and the texture of the alluvium is fine to medium grained. Caliche may be present but typically occurs in discontinuous lenses and is not strongly indurated. The land is low to moderately sloping and typically there is very little break, either by channels or ridges, in the planer character of the terrain. The typical land slopes are overwhelmingly less than five (5) percent, although in rare localized situations, slopes may reach fifteen (15) percent. Drainageways often are poorly defined, with the low side banks, and stream courses show substantial evidence of continuous braiding and overflows into widespread sheet flows. Hazards predominately relate to overbank and sheet flooding, but may in some areas, include the potential for earthcracks. Most material transport is by water flows although wind transport may become significant if the soil surface is disturbed. Materials are almost exclusively fine silts and loams with only very limited pockets of gravels and stones.

*Manufactured home* shall mean a dwelling that has been certified as a manufactured home by the applicable State of Arizona or United States government agency.

*Manufactured home park* shall mean any lot, tract, or parcel of land used or offered for use in whole or in part with or without charge for parking of manufactured homes or trailer coach used for sleeping or household purposes.

*Manufactured home space* shall mean a plot of ground within a manufactured home park designed for the accommodation of one (1) manufactured home or trailer coach.

*Manufacturing* shall mean the fabricating or assembling of materials into finished or partially finished products by hand or by the use of machinery.

*Mature trees* shall mean healthy, full-bodied trees with a shape characteristic of the species and of the following minimum sizes:

Ten (10) feet--Twelve (12) feet height times six (6) inches--eight (8) inches wide or two-inch single trunk caliper or one-inch average trunk caliper for a multiple trunk tree or eight-foot trunk height for palms.

For each building story over one (1) all required mature trees shall be increased in size as follows:

One-half inch caliper increase for multiple trunk trees and one (1) inch caliper increase for single trunk trees, except that palms shall be increased by four (4) feet in height; or in lieu of increasing all required mature trees, provide additional trees at the rate of one-foot trees per

dwelling unit or story above the ground floor, of which fifty (50) percent shall be "mature" as defined in this article.

*Minimal residential health care facility* shall mean a facility which provides services such as central dining, transportation and limited medical assistance.

*Minor work* shall mean any change, modification, restoration, rehabilitation, or renovation of the features of an historic resource that does not materially change the historic characteristics of the property and is consistent with the Historic Preservation Plan for the historic resource.

*Mitigation Plan* means a plan for the recovery or protection of discovered archaeological resources.

*Monopole* means a facility used exclusively for PWSF mounts and is self-supporting with a single shaft of steel, concrete or wood.

*Motel* shall mean any building or group of buildings containing guest rooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building with garage or parking space located on the lot and designed, used or intended wholly or in part for the accommodation of automobile transients. Motel includes motor court, motor lodge and tourist court, but not a manufactured home park.

*Mount* means the ground or the structure to which a PWSF is attached.

*Move* shall mean any relocation of a building or structure on its site or to another site.

*Municipal use* shall mean any use provided to the general public which is operated by or contracted for by the city. Municipal use shall not include any vehicle, bicycle, equestrian, or pedestrian right-of-way dedications or easements or scenic dedications or easements, single purpose flood control corridors, or utilities which are located underground.

*Munsell book of color* is a system that describes color in terms of three (3) standardized attributes: hue, value (lightness/darkness) and chroma (intensity). Numerical values define each color attribute, and the colors are arranged in the book in equal visual steps for each attribute.

*Natural area open space* are areas of undisturbed natural desert with no man-made improvements and approved revegetated areas.

*Natural landmarks* are those prominent, unique terrain features which due to their character and location are considered landmarks for the city or for a local region within the city. Such "landmarks" may or may not be named features. These features shall be indicated on maps of record at the city and shall be designated by the city council. Historical and archaeological sites shall also be considered as landmarks.

*Net floor area* shall mean, for the purpose of determining parking requirements, the total floor area of a building measured from the interior faces of load bearing walls, excluding air shafts, stair wells, elevator shafts, rest rooms and mechanical equipment rooms.

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*Net lot area* shall mean the area included within lot lines after all right-of-way dedications have been made as required by the City of Scottsdale right-of-way standards.

*Nonconforming building* shall mean a building or portion thereof which was lawful when established but which does not conform to a subsequently established district or district regulations.

*Nonconforming lot* shall mean a parcel of land having less area, frontage or dimensions than required in the district in which it is located.

*Nonconforming use* shall mean any building or land lawfully occupied by a use at the time of passage of this ordinance or amendment thereto which does not conform after passage of this ordinance or amendment thereto with the use regulations of the district in which located.

*Nondensity based land uses* shall mean those of nonresidential nature.

*Open space* is defined as space which can be enjoyed by people. This could include landscaped plazas, grass and trees, fountains, sitting areas, etc., and is meant to provide an open garden atmosphere. Open space does not include parking areas, vacant or undeveloped lots or any other space which does not contribute to the quality of the environment.

*Owner* shall mean those individuals, partnerships, corporations, or public agencies holding fee simple title to property, as shown on the records of the Property Records Section of the Maricopa County Assessor's Office.

*Parcel* is a legally defined lot, or contiguous group of lots in single ownership or under single control, and considered a unit for purposes of development and open space calculation.

*Parking lot* shall mean a parcel of land devoted to parking spaces as set forth by the parking standards of the City of Scottsdale.

*Parking lot, commercial* shall mean any lot upon which members of the general public operating a motor vehicle upon said lot and parking thereon may be required to pay a charge or fee for said usage to the owner of the lot or his agent.

*Parking space* shall mean a permanently surfaced area, enclosed or unenclosed, having an area of not less than one hundred eighty (180) square feet which will accommodate a car, minimum width nine (9) feet. Parking as used in this ordinance is to mean off-street parking with access from streets or secondary means or as approved by subdivision plat.

*Patio home* shall mean an attached or detached single-family dwelling constructed with no side yard on one (1) side of the lot.

*Peak* means a point of maximum elevation of a hill or mountain.

*Perimeter wall* shall mean a wall that surrounds a subdivision or a group of related districts and/or subdivisions.

*Permitted use* shall mean a use specifically permitted on a use analogous to those specifically permitted.

*Personal wireless service facility or PWSF* means a facility for the provision of personal wireless services as defined by the Telecommunications Act of 1996, and any amendments thereto. Personal wireless service facilities are composed of two (2) or more of the following components:

- A. Antenna
- B. Mount
- C. Equipment cabinet
- D. Wall or security barrier

The height of monopoles and towers shall be measured from natural grade to the top of all appurtenances. The height of rooftop mounted communication equipment shall be measured from the roof elevation to the top of all appurtenances. The height of building mounted communication equipment shall be from the top of the equipment to natural grade. All equipment shall be unmanned.

Such facilities shall be categorized as either minor or major facilities, but not both, as follows:

A. *Minor personal wireless service facilities* shall include:

1. Building mounted facilities in any zoning district, including the downtown (D) district.
2. Monopoles or towers up to a height of eighty (80) feet including all antennas in the following districts: I-1, C-4, S-S. Any new monopole or tower shall be separated from the nearest monopole or tower a distance of one-quarter ( 1/4) mile. Exceptions: I-1 and C-4 are not subject to minimum separation unless the facility is located within three hundred (300) feet of a designated arterial or collector street, or an R1 zoned property.
3. Monopoles up to a height of forty (40) feet in the following districts C-S, C-2, C-3, P.N.C., P.C.C., P.R.C., C-O, PCP, S-S, W-P. These facilities shall have a four-foot maximum width for the antenna array and no antennas other than panel antennas shall be allowed. Monopoles up to fifty (50) feet in height will be allowed in these districts if the pole will accommodate co-location, with two (2) providers locating facilities on the pole at the time of final plans approval. No antennas other than panel antennas shall be allowed. Any new monopole or tower shall be separated from the nearest monopole or tower a distance of one-quarter ( 1/4) mile. Exceptions: I-1 and C-4 are not subject to minimum separation unless the facility is located within three hundred (300) feet of a designated arterial or collector street, or an R1 zoned property.
4. Rooftop mounted equipment up to fifteen (15) feet in height in the following districts: C-2, C-3, C-4, C-O, D, I-1, P.C.P. P.C.C., P.N.C., P.R.C., S-S, W-P. antenna arrays shall have a maximum width of four (4) feet.
5. Ground mounted equipment cabinets up to fifteen (15) feet in height.
6. Co-location on existing communication equipment, up to eighty (80) feet in total height. The replacement or extension of an existing pole shall not add more than twelve (12) feet to the height of the existing pole and shall not exceed the diameter of the existing pole by sixty (60) percent.
7. Joint use installations on public school and city park ballfield lights, up to eighty (80) feet in total height. The replacement of an existing pole shall not add more than twelve (12) feet to the height of the existing pole and shall not exceed the diameter of the existing pole by sixty (60) percent. These facilities shall have a four-foot maximum width for the antenna array and no antennas other than panel antennas shall be allowed.
8. Facilities that are located on sixty-nine (69) kilovolt, or above, electrical utility poles that are not included in a city council approved plan for removal. Electrical utility poles may be increased no more than twelve (12) feet in height and shall not exceed the diameter of the existing pole by sixty (60) percent to accommodate personal wireless service facilities.

Antenna panel array shall not exceed four (4) feet in diameter, except for towers where the width of the antenna array cannot exceed the maximum width of the tower.

9. Facilities mounted on a street light or traffic signal pole shall not exceed two (2) feet in diameter and shall not raise the height of the pole by more than six (6) feet.

B. *Major personal wireless service facilities* shall include:

1. Facilities adjacent to or within one hundred fifty (150) feet of any R1 zoning district, except as provided in A.1., A.6., A.7., A.8., and A.9. above. If the proposed facility is located within an R-1 district, the one hundred fifty (150) feet shall be measured from the property line of the nearest existing or planned R1 development.
2. Facilities located within the recommended study boundary for the McDowell Sonoran Preserve as approved by city council.
3. All other proposed facilities that do not meet the criteria for a minor personal wireless service facility.

*Planning Commission* shall mean the Planning Commission of the City of Scottsdale.

*Preservation Easement* shall mean a nonpossessory interest in real property, granted to the City pursuant to Arizona Revised Statutes Title 33, Chapter 2, Article 4, Conservation Easements, which imposes limitations or affirmative obligations on the property to preserve the historical, architectural, archaeological, or cultural aspects of the real property.

*Private open space* shall mean any visually delineated usable area intended for the exclusive use of the occupant(s) of the dwelling unit to which it is adjacent.

*Private school* shall mean a nonpublic institution where instruction is imparted, including pre-schools and any grades kindergarten through twelfth grade.

*Prohibited use* shall mean a use not specifically permitted or a use analogous to those not specifically permitted.

*Project review director* shall mean the project review director or his designee.

*Protected peak* is a peak identified by the city as being visually significant and consequently important to the city's image and economy. Protected peaks are designated on maps by the city.

*Protected ridge* is a ridge identified by the city as being visually significant and important to the city's image and economy. Protected ridges are designated on maps by the city.

*Public floor area* shall mean for the purpose of determining parking requirements, all areas of a building that are used by the public excluding public rest rooms.

*Pumpkin and Christmas tree sales* shall mean outdoor sale of seasonal material such as pumpkins and Christmas trees.

*Ranch* shall mean a lot which is used primarily for the breeding of horses; raising of livestock; individual training or training of small groups of eight (8) or fewer students; practice polo courses and arenas not

used for scheduled, public, or club events; boarding only of horses, mules or ponies directly involved with current breeding or training activities; and ancillary sales and previews of livestock and occasional weekend seminars and clinics. Permanent housing for ranch employees shall be permitted as an accessory use to the ranch. No feed lot shall be permitted. A ranch shall meet the provisions of the applicable zoning district and the conditions of Section 1.403.

*Replacement/Reuse Plan* shall mean a plan for redevelopment of a site within an HP District.

*Resort* shall mean a group or groups of buildings containing more than five (5) dwelling units and/or guest rooms and providing outdoor recreational activities which may include golf, horseback riding, swimming, shuffleboard, tennis and similar activities. A resort may furnish services customarily furnished by a hotel, including a restaurant, cocktail lounge and convention facilities.

*Restaurant* shall mean an establishment whose primary business is the serving of food to the public, where revenues from the sale of food equal at least forty (40) percent of the gross revenue.

*Restaurant, drive-in* shall mean an establishment whose primary business is the serving of food to the public for consumption on the premises by order from and service to vehicular passengers outside the structure, where revenues from the sale of food equal at least forty (40) percent of the gross revenue.

*Restaurant, drive-through* shall mean an establishment whose primary business is the serving of food to the public for consumption within the building or off the premises by order from vehicular passengers outside the structure, including but not limited to services from an outdoor service window, where revenues from the sale of food equal at least forty (40) percent of the gross revenue.

*Retail* shall mean a sale for any purpose other than for resale in the form of tangible personal property.

*Revegetation* means replacement and restoration of areas containing scarred or destroyed native vegetation through the introduction of boxed or planted native plant materials and/or comparable seed mix for the purpose of restoring NAOS (Natural Area Open Space) land, to a native condition.

*Ridge* means a relatively narrow elevation which is prominent because of the steep angle at which it rises; an elongated crest, or series of crests, with or without individual peaks, significantly higher than the adjoining ground.

*Rockfalls* are events where metamorphic, schist, or other paty rocks drop, slide, or roll downhill from a rock outcrop or steep slope. Areas at risk from rockfalls are below the sources of these falls.

*Rooftop mounted antenna* shall include any antenna that is located on top of a roof and is not integrated into buildings, church steeples, cooling towers, elevator bulkheads, parapets, penthouses, fire towers, tanks, and water towers, or other structures.

*Rooming house.* See *boardinghouse*.

*Sales, incidental* shall mean any sales which may occur as a result of or in connection with uses permitted on a property.

Editor's note: Ordinance No. 1876 adopted January 21, 1986, adopted zoning ordinance amendments contained in Exhibit A thereto. Exhibit A consisted of a "draft page", and the sections amended were apparently reproduced in their entirety. The definition of "sales incidental" was on the "draft page", but was not in section 3.100 as amended.

*Satellite receiving earth station* shall mean a parabolic antenna designed to receive electromagnetic transmissions from a satellite.

*Scenic corridor* is a major roadway in the city which has been so designated on the General Plan in order to minimize the visual intrusion of adjacent development and maximize the unique character of different areas of the city.

*School* shall mean any building or part thereof which is designed, constructed or used for education or instruction in any branch of knowledge.

*School, elementary and secondary* shall mean a public or private school providing primary and secondary education for grades kindergarten through twelve, such as elementary, middle, junior high and high schools.

*School, instructional* shall mean a public or private school providing domestic, recreational and other types of instruction, such as dance, gymnastics, cooking, music, martial arts and handicraft.

*School, vocation* shall mean a school primarily teaching useable skills that prepare students for jobs in a trade or occupation.

*Scottsdale Historic Register* shall mean the list, compiled and kept by the Historic Preservation Officer, of historic and archaeological resources in the City of Scottsdale which are designated HP District.

*Seasonal art festival* shall mean a temporary or permanent facility which is primarily operated for the sale and display of arts and crafts. Ancillary uses may include food sales, special events, and support offices. The festival shall display the art or craftwork of at least ten (10) independent persons or companies. The festival shall operate for a period over not less than thirty (30) consecutive days nor over more than ninety (90) consecutive days with the facility being open at least four (4) days each week. No two (2) festivals may occupy the same site within forty-five (45) days of each other.

*Service station, automotive* shall mean a retail business engaged primarily in the sale of motor fuels but also in supplying goods and services generally required in the operation and maintenance of automotive vehicles. These may include sale of petroleum products; sale and servicing of tires, batteries, automotive accessories and replacement items; washing and lubrication services; automotive maintenance and repair; and the supplying of other incidental customer services and products. Major automotive repairs, painting and body and fender work, rental or sales of motor-bikes, automobiles, boats, trailers, trucks and any other type of sales or services not specifically referred to herein are limited to the service area of the site and if not specifically approved as part of the original use permit, a use permit must be approved prior to the area being used for any of these purposes.

*Severely constrained area (SCA)* is any land within the hillside landform which contains land slopes over twenty-five (25) percent, unstable slopes, or special features, including any land which is surrounded by one (1) of these conditions.

*Shopping center* shall mean a group of stores planned and designed for the site on which it is built, functioning as a unit, with off-street parking, landscaped areas and pedestrian malls or plazas provided on the property as an integral part of the unit.

*Sidewalk sales* shall mean outdoor sale conducted by the proprietor of products normally sold inside a retail establishment.

*Sight line representation* means a drawing in which a sight line is drawn from the closest facade of each building, private road or right-of-way (viewpoint) within five hundred (500) feet of the PWSF to the highest point (visible point) of the PWSF. Each sight line shall be depicted in profile, drawn at one (1) inch equals forty (40) feet unless otherwise specified by the city. The profiles shall show all intervening trees and structures.

*Sign* shall mean:

a. Any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge or insignia of any local, state or United States governmental agency, or of any civic, charitable, religious, patriotic, fraternal or similar organization.

b. The term "sign" shall mean and include any display of any letter, numeral, figure, emblem, picture, outline, character, spectacle, delineation, announcement or anything in part or in combination by any means whereby the same are made visible to the eye and for the purpose of attracting attention outdoors to make anything known, whether such display be made on, attached to or as a part of a structure erected for the purpose, or on, attached to or as a part of any other structure, surface or thing, including but not limited to, the ground or any rock, tree or other natural object, which display is visible beyond the boundaries of the lot or parcel of property on or over which the same is made.

*Slope collapse* includes those soil slopes which, due to their steepness and internal structures, are prone to land or mud slides or similar mass wasting events.

*Special auto sales* shall mean seasonal or special auto sales which may or may not be conducted on site.

*Special event* shall mean a temporary outdoor use on private property which extends beyond the normal uses and standards allowed by the zoning ordinance of the City of Scottsdale. Except as otherwise specifically provided herein, only those events held on commercial-zoned property, are subject to the provisions of this ordinance.

"*Special event*" includes, but is not limited to, art shows, sidewalk sales, pumpkin and Christmas tree sales, haunted houses, carnivals (major and minor), special auto sales, grand openings, festivals, home exhibitions, and church bazaars.

*Special flood hazard areas* as defined by section 37-17 of chapter 37 of the Scottsdale Revised Code (floodways and floodplains) are areas having flood and/or flood-related erosion hazards as shown on a flood hazard boundary map or flood insurance rate map as zone A, AO, A1--30, AE, A99, AH or E,

and those areas identified as such by the floodplain administrator, delineated in accordance with section 37-18(b) and adopted by the floodplain board.

*Specialized residential health care facility* shall mean a convalescent or nursing home which normally provides medical care and supervision.

*Specified anatomical areas* shall mean less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola; and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

*Specified sexual activities* shall mean human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

*Springs* shall include areas where permanent or ephemeral flows or ponding of water naturally occur. Such sites may include mountainous or canyon conditions where water flows or seeps out from water-bearing geologic structures or tanks and rock-bottomed washes where water typically collects for extended periods of time.

*Stable, commercial* shall mean a lot which may be used for commercial riding stable open to the general public; boarding of livestock not involved with current breeding or training; training involving large groups of eight (8) or more students; polo fields or arenas used for scheduled, public or club events; and those uses permitted in a ranch. No feed lot shall be permitted. A commercial stable shall meet the provisions of the applicable zoning district and the conditions of Section 1.403.

*Stable, private* shall mean a detached accessory building for the keeping of horses, mules or ponies owned by the occupants of the premises and not kept for remuneration, hire or sale.

*Story* shall mean that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement, cellar or unused underfloor space is more than six (6) feet above the grade as defined herein for more than fifty (50) percent of the total perimeter or is more than twelve (12) feet above grade as defined herein at any point, such basement, cellar or unused underfloor space shall be considered as a story.

*Street* shall mean a dedicated public or private passageway which affords a principal means of access to abutting property.

*Street, centerline* shall mean the centerline of a street right-of-way as determined by the city engineer.

*Street line* shall mean a dividing line between a lot, tract or parcel of land and a contiguous street (right-of-way).

*Structural alterations* shall mean any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any complete rebuilding of the roof.

*Structure* shall mean any piece of work constructed or erected, the use of which requires a location on the ground or attached to something having a location on the ground, but not including a tent, vehicle, trailer coach or mobile home.

*Structure, temporary* shall mean any piece of work which is readily movable and used or intended to be used for a period not to exceed ninety (90) consecutive days. Such structure shall be subject to all applicable property development standards for the district in which it is located.

*Swimming pool, private* is any structure intended for swimming or recreational bathing that contains water over twenty-four (24) inches deep. This includes in-ground, above-ground and on-ground swimming pools, hot tubs and spas.

*Swimming pool, public* shall mean the same definition as private pool but operated as a commercial business. Public swimming pools shall conform to Maricopa County Health Department requirements.

*Talus slopes* are areas covered by loose piles of rocks and/or boulders and are typically void of surface soils and vegetation if they are active.

*Teen dance center* shall mean an enclosed or unenclosed structure which is open to persons from fifteen (15) through twenty (20) years of age unaccompanied by adults at which music is furnished for the purpose of social dancing, and at which a person fifteen (15) through twenty (20) years of age pays an admission, membership dues, or a minimum fee or cover charge, whether or not admission is limited to members only. "Teen dance center" shall include the enclosed or unenclosed structure and the surrounding premises used for parking or any activity related to the dancing operation.

*Tennis club* shall mean a commercial facility for the playing of tennis at which there is a clubhouse including rest rooms. A tennis facility may provide additional services customarily furnished by a club such as swimming, outdoor recreation and related retail sales, that may include a restaurant and cocktail lounge if approved as a part of the required use permit.

*Timeshare project* means a project in which a purchaser receives the right in perpetuity, for life or for a term of years to the recurrent, exclusive use or occupancy of a lot, parcel, unit or segment of real property, annually or on some other periodic basis, for a period of time that has been or will be allotted from the use or occupancy periods into which the project has been divided, or a project in which a license or contractual or membership right of occupancy is not coupled with an estate in the real property; except that a project in which such right to exclusive use or occupancy is available only for intervals of more than thirty (30) days shall not be considered a timeshare project.

*Tower* means a facility used exclusively for personal wireless service mounts and consists of more than a single shaft of steel or concrete. No guy wires shall be permitted.

*Townhouse* shall mean a single-family dwelling with party walls and no side yards between abutting dwellings.

*Underlying zoning* is the zoning district which exists on the property over which an overlay district has been applied. The existing zoning is found on the city's official zoning maps.

*University or college* shall mean an educational institution offering academic courses and awarding baccalaureate or higher degrees.

*Unoccupied recreational vehicle storage* is a facility for the storage of recreational vehicles. A recreational vehicle is a general term for a vehicle bearing current license and/or registration which includes the following: camper trailer, travel trailer, truck camper, motor home, boat trailer, horse trailer, utility trailer, and recreational boat. The storage facility shall not include any occupancy of the vehicles. An apartment/office shall be permitted within the facility to allow on-premise supervision.

*Upper Desert Landforms* are typically the irregular terrain at the base of or surrounding mountain ridges or isolated mountain outcrops. These landforms include pediments, piedmonts, abandoned alluvial fan segments, alluvial-colluvial slopes, uplifted and dissected inactive alluvial fans, and ridge/valley complexes. Underlying materials include shallow (ten (10) to one hundred (100) feet) depths to bedrock, medium to strongly calichified alluvium, and conglomerate. Locally there may be small hillocks, rock outcrops, boulder formations and fields, or bedrock balds which occur in isolated or grouped patterns. Land slopes range from two (2) percent to thirty-five (35) percent but are predominately in the five (5) percent to twenty (20) percent range. Drainageways are typically well incised with stream capacities greater than historic flow levels. Occasionally there may be old floodplain terraces benched between the wash bottom and distinct wash banks or there may be minor stream braiding which lasts for short distances and then reforms into a single main channel. Hazards are generally limited to flooding in channel bottoms and occasional bank collapse along sharply incised wash banks. The transport of material is dominated by water transport concentrated in drainage courses and the surface material size typically ranges from coarse silts to medium-sized cobbles.

*Use* shall mean the purpose for which land or building is occupied, or maintained, arranged, designed or intended.

*Use permit* shall mean a permit granted to a property owner by the City Council to conduct a use allowed as a permitted use in a zoning district subject to a use permit. A use permit may be granted at the discretion of the City Council after a public hearing.

*Variance* shall mean a modification of the literal provisions of the zoning ordinance granted by the Board of Adjustment upon a finding that strict enforcement of the ordinance would cause undue hardship owing to circumstances unique to the individual property for which the variance is granted and not caused by the applicant for said variance.

*Viewpoints* are positions at "minor collector street" and higher classification street intersections within the Environmentally Sensitive Lands (ESL) area as identified in the city's Streets Master Plan from which development in the hillside landform can be observed.

*Viewsheds* are the major segments of the natural terrain which are visible above the natural vegetation from scenic viewpoints which are defined in this ordinance.

*Vista corridor* is a major open space corridor which follows major watercourses or other features as identified on the General Plan and which protect major wildlife habitat, protect distant views, separate land uses, and provide links for trails and paths. Special design criteria for landscaping, walls and drainage structures may be applied.

*Volume* shall mean the volume of building which occupies a particular site. Volume of a building shall be determined by multiplying the gross floor area of the individual floors by the height of that story.

*Volume ratio* shall mean the ratio of building volume to the net lot area of the building site.

*Wall* shall mean any structure or device required by this ordinance for screening purposes forming a physical barrier, which is so constructed that fifty (50) percent or more of the vertical surface is closed and prevents the passage of light, air and vision through said surface in a horizontal plane. This shall include concrete, concrete block, wood or other materials that are solids and are so assembled as to form a screen. Where a solid wall is specified, one hundred (100) percent of the vertical surface shall be closed, except for approved gates or other access ways. Where a masonry wall is specified, said wall shall be concrete block, brick, stone or other similar material and one hundred (100) percent of the vertical surface shall be closed, except for approved gates or other access ways.

*Warehouse* shall mean a building or building used for the storage of goods of any type, and where no retail operation is conducted.

*Watercourse* means a natural or man made lake, river, creek, stream, wash, arroyo, channel, culvert, pipes or any other topographic feature, through, on or over which waters flow at least periodically. "Watercourses" include specifically designated areas in which substantial flood damage may occur.

*Watercourses, major* are washes having a 100-year flood flow rate of seven hundred fifty (750) cfs or greater.

*Watercourses, minor* are washes having a capacity of at least fifty (50) cfs and a 100-year flood flow rate of up to seven hundred fifty (750) cfs.

*Wholesale* shall mean the sale of tangible personal property for resale by a licensed retailer and not the sale of tangible personal property for consumption by the purchaser.

*Wildland/urban interface* is an area where development and native desert wildland areas meet at a well-defined boundary.

*Wildland/urban intermix* is an area where development and native desert wildland areas meet with no clearly defined boundary.

*Yard* shall mean an open space at grade level between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

*Yard, front* shall mean an open space unoccupied except as otherwise provided herein on the same lot with a main building, extending the full width of the lot and situated between the street line and the front line of the building projected to the side lines of the lot. The front yard of a residential corner lot is the yard adjacent to the shorter street frontage. The front yard of a commercial corner lot is the yard adjacent to the major street as determined by the engineering services director.

*Yard, rear* shall mean an open space unoccupied except as otherwise provided herein on the same lot with a main building between the rear line of the building and the rear line of the lot extending the full width of the lot. The rear lot line is that lot line opposite the front lot line. Where these are not parallel, the rear lot line shall be that line which is intersected by a line drawn perpendicular through a tangent to the midpoint of the front lot line. If the line drawn through the tangent to the midpoint of the front line strikes a ten-foot long line drawn parallel to the tangent then that line shall be considered the rear lot line for purposes of determining setbacks, and all other lot lines between that and the front line shall be side lot lines. If the lot has frontage on a cul-de-sac, the rear lot line shall be the lot line which most closely approximates the rear lot line of abutting lots.

*Yard, side* shall mean an open except as otherwise provided herein unoccupied space on the same lot with a main building situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side lot line. An interior side yard is defined as the side yard adjacent to a common lot line.

(Ord. No. 1851, § 1, 11-5-85; Ord. No. 1876, § 1, 1-21-86; Ord. No. 1923, § 1, 12-16-86; Ord. No. 1994, §§ 1, 1-19-88; Ord. No. 2266, 1, 11-21-89; Ord. No. 2311, § 1, 8-21-90; Ord. No. 2305, § 1, 2-19-91; Ord. No. 2420, § 1, 12-17-91; Ord. No. 2430, § 1, 1-21-92; Ord. No. 2431, § 1, 1-21-92; Ord. No. 2526, § 2, 3-16-93; Ord. No. 2509, § 1, 6-1-93; Ord. No. 2636, § 1, 2-15-94; Ord. No. 2620, § 1, 8-2-94; Ord. No. 2830, § 1, 10-17-95; Ord. No. 2831, § 1, 9-19-95; Ord. No. 2858, § 1, 12-5-95; Ord. No. 3048, § 1, 10-7-97; Ord. No. 3034, § 1, 11-4-97; Ord. No. 3225, § 1, 5-4-99; Ord. No. 3242, § 6, 7-13-99; Ord. No. 3274, § 5, 12-7-99; Ord. No. 3394, 6-19-01; Ord. No. 3365, § 1, 12-11-01; Ord. No. 3395, § 1, 12-11-01; Ord. No. 3501, § 1, 4-1-03)

## ARTICLE V. DISTRICT REGULATIONS.

### Sec. 5.1200. (C-S) Regional Shopping Center.

### Sec. 5.1203. Use regulations.

A. *Permitted uses.* Buildings, structures or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:

1. Business and professional.

- a. Medical or dental office with laboratory.
- b. Professional and business offices.
- c. Travel agencies.
- d. Municipal uses.
- e. Private and charter school having no room regularly used for housing or sleeping overnight. Subject to Development Review Board approval and compliance with standards including, but not limited to, the following as well as those otherwise required in the district.
  - (1) Location: All proposed private and charter schools shall be located a minimum of five hundred (500) feet from any adult use.
  - (2) Lot area: The minimum lot area shall be equal to that required for the district, except that no lot shall be less than forty-three thousand (43,000) square feet (net).
  - (3) There shall be no outside speaker system or bells, if the school building is within one hundred (100) feet of a single-family dwelling or multifamily dwelling unit.
  - (4) Open space: Per underlying zoning district open space requirements. All NAOS requirements of the district must be met and may be applied towards the overall open space requirements subject to compliance with NAOS standards.
  - (5) Parking: Parking shall observe the front yard setbacks of the district for all frontages. One-third ( 1/3) of the required parking may be shared parking with other establishments present on site. Parking shall be located and screened per the requirements of the district.
  - (6) Outdoor recreation area: All outdoor playgrounds and recreation areas shall be enclosed by a wall or fence sufficient in height to protect the safety and welfare of the students, and shall be located within the side or rear yard. Any playground or outdoor recreation area shall be located a minimum of fifty (50) feet from any residential district and screened by a minimum six-foot high wall.
  - (7) Drop off area: A drop off area accommodating a minimum of five (5) vehicles shall be located along a sidewalk or landing area connected to the main entrance to the school. This area shall not include internal site traffic aisles, parking spaces, fire lanes, etc.
  - (8) Any public trails or pedestrian connections shall be incorporated into the site plan and approved by the Development Review Board.
  - (9) Circulation plan: The applicant shall submit a circulation plan to insure minimal conflicts between the student drop-off area, potential van and bus drop-off area, parking, access driveways, pedestrian and bicycle paths on site.

2. Retail sales.
  - a. Appliance store including repair of small or household appliances.
  - b. Art gallery.
  - c. Bakery.
  - d. Bicycle store.
  - e. Big box. Any single retail space (limited to permitted retail uses in this C-S district) with a building footprint of equal to or greater than seventy-five thousand (75,000) square feet, if:
    - (1) Primary access is not on a local collector\* street; and
    - (2) Residential zoned property is not located within One thousand three hundred (1,300) feet of the Big box property line (except residential zoned properties separated from the Big box by the Pima Freeway or developed with non-residential uses).

However, big box is not permitted in the Environmentally Sensitive Lands Supplementary District.

Also See Sections 1.403 and 5.1203.B.

  - f. Candy shop including the making of candy.
  - g. Carpet and floor covering store.
  - h. Clothing store.
  - i. Delicatessen.
  - j. Department store.
  - k. Drugstore.
  - l. Furniture store.
  - m. Gift shop, bookstore.
  - n. Grocery store.
  - o. Hardware store.
  - p. Ice cream parlor including the making of ice cream.
  - q. Import, export shop.
  - r. Jewelry store.
  - s. Liquor store.
  - t. Photographic shop.
  - u. Plant nursery.
  - v. Record shop.
  - w. Shoe store.
  - x. Sporting goods store.
  - y. Stationery store.
  - z. Variety store.
3. Service.
  - a. Bank.
  - b. Barbershop.
  - c. Beauty shop.
  - d. Bowling alley.
  - e. Churches and places of worship.
  - f. Cleaning and pressing agencies.

- ~~g. Cocktail lounge without live entertainment.~~
- hg. Coffee shop, cafe, cafeteria.
- ih. Day care center, if the drop off or outdoor play area is more than one hundred (100) feet from a residential district.
- ji. Finance company office.
- kj. Personal wireless service facilities; minor, subject to the requirements of sections 1.906, 3.100 and 7.200.
- lk. Printing, lithography or photostating establishment.
- ml. Recyclable material collection center.
- nm. Savings and loan office.
- on. Shoe repair shop.
- po. Theater.

B. *Uses permitted by conditional use permit.*

- 1. Automotive center.
- 2. Big box. Any single retail space (limited to permitted retail uses in this C-S district) with a building footprint of equal to or greater than seventy-five thousand (75,000) square feet, if:
  - a. Primary access is on a local residential street; or
  - b. Residential zoned property is located within one thousand three hundred (1,300) feet of the Big box property line (except residential zoned properties separated from the Big box by the Pima Freeway or developed with non-residential uses).

However, Big box is not permitted in the Environmentally Sensitive Lands Supplementary District.

For Use Permit Provisions and Criteria, See Section 1.403.

- 3. **BARS AND COCKTAIL LOUNGES (SEE SECTION 1.403 FOR CRITERIA).**
- 34. Day care center, if the drop off or outdoor play area is within one hundred (100) feet from a residential district (see section 1.403 for criteria).
- 45. Drive-in or drive-thru restaurant.
- 56. Game center.
- 67. Gasoline service station (see section 1.403 for criteria).
- 78. Live entertainment (see section 1.403 for criteria).
- 89. Personal wireless service facilities; major, subject to the requirements of sections 1.400, 3.100 and 7.200.
- 910. Self-service carwash.

Sec. 5.1400. (C-2) CENTRAL BUSINESS DISTRICT.

Sec. 5.1403. Use regulations.

A. *Uses permitted.* Buildings, structures, or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:

- 1. Business and professional services.
  - a. Business and professional offices.
  - b. Business schools.
  - c. Hospital for animals including boarding and lodging provided that there are no open kennels maintained and provided all activities will be conducted in soundproof

buildings.

- d. Medical or dental offices including laboratory.
- e. Museum.
- f. Optician.
- g. Municipal uses.
- h. Private and charter school having no room regularly used for housing or sleeping overnight. Subject to Development Review Board approval and compliance with standards including, but not limited to, the following as well as those otherwise required in the district.
  - (1) Location: All proposed private and charter schools shall be located a minimum of five hundred (500) feet from any adult use.
  - (2) Lot area: The minimum lot area shall be equal to that required for the district, except that no lot shall be less than forty-three thousand (43,000) square feet (net).
  - (3) There shall be no outside speaker system or bells, if the school building is within one hundred (100) feet of a single-family dwelling or multifamily dwelling unit.
  - (4) Open space: Per underlying zoning district open space requirements. All NAOS requirements of the district must be met and may be applied towards the overall open space requirement subject to compliance with NAOS standards.
  - (5) Parking: Parking shall observe the front yard setbacks of the district for all frontages. One-third ( 1/3) of the required parking may be shared parking with other establishments present on site. Parking shall be located and screened per the requirements of the district.
  - (6) Outdoor recreation area: All outdoor playgrounds and recreation areas shall be enclosed by a wall or fence sufficient in height to protect the safety and welfare of the students and shall be located within the side or rear yard. Any playground or outdoor recreation area shall be located a minimum of fifty (50) feet from any residential district and screened by a minimum six-foot high wall.
  - (7) Drop-off area: A drop-off area accommodating a minimum of five (5) vehicles shall be located along a sidewalk or landing area connected to the main entrance to the school. This area shall not include internal site traffic aisles, parking spaces, fire lanes, etc.
  - (8) Any public trails or pedestrian connections shall be incorporated into the site plan and approved by the Development Review Board.
  - (9) Circulation plan: The applicant shall submit a circulation plan to insure minimal conflicts between the student drop-off area, potential van and bus drop-off area, parking, access driveways, pedestrian and bicycle paths on site.

- i. Studio for professional work or teaching of any form of commercial or fine arts.

2. Residential.

- a. Dwelling units physically integrated with commercial establishments (limited to one (1) dwelling unit for each business establishment).

3. Retail sales.

- a. Antique store.
- b. Appliance store.
- c. Art gallery.
- d. Automobile parts store.
- e. Bakery.

~~f. Bars and cocktail lounges without live entertainment.~~

gf. Bicycle store.

hg. Big box. Any single retail space (limited to permitted retail uses in this C-2 district) with a building footprint of equal to or greater than seventy-five thousand (75,000) square feet, if:

- (1) Primary access is not on a local collector\* street; and
- (2) Residential zoned property is not located within one thousand three hundred (1,300) feet of the Big box property line (except residential zoned properties separated from the Big box by the Pima Freeway or developed with non-residential uses).

However, big box is not permitted in the Environmentally Sensitive Lands Supplementary District.

Also See Sections 1.403 and 5.1403.B.

ih. Bookstore.

ji. Camera store.

kj. Candy store.

lk. Carpet and floor covering store.

ml. Clothing store.

nm. Craft shop conducted in conjunction with retail business which may include ceramics, mosaics, fabrics, jewelry, leather goods, silk screening, dress designing, sculpturing and wood carving.

on. Department store.

po. Drugstore.

qp. Electronic equipment store.

rq. Fabric store.

sr. Florist.

ts. Furniture store.

ut. Gift shop.

vu. Grocery store or supermarket.

wv. Gun shop.

xw. Hardware store.

yx. Hobby or toy store.

zy. Home improvement store.

aaz. Ice cream store.

bbaa. Import store.

eebb. Liquor store.

ddcc. Music store.

eedd. Pawnshop.

ffee. Pet shop.

ggff. Restaurants, excluding drive-in or drive-through types.

hhgg. Sporting goods store.

ihhh. Stationery store.

jjii. Swimming pool supply store.

kkjj. Variety store.

**Hkk.** Restaurant with associated microbrewery where brewed beer is consumed only on-premises and brewery occupies no more than fifteen (15) percent of the floor area of the establishment.

4. Services.

- a. Appliance repair.
- b. Bank.
- c. Barber or beauty shop.
- d. Bowling alley.
- e. Broadcasting station and studio, radio or television excluding transmitting or receiving towers.
- f. Clothes cleaning agencies and laundromats excluding industrial cleaning and dyeing plants.
- g. Fitness studio.
- h. Hotel, motel, and timeshare project.
- i. Movie theater (indoor only).
- j. Post office.
- k. Printing, lithography, publishing or photostating establishment.
- l. Fraternities and sororities.
- m. Shoe repair.
- n. Taxidermist.
- o. Telephone answering service.
- p. Turkish bath that may include masseur and/or masseuse.

5. Other uses.

- a. Accessory buildings.
- b. Churches and places of worship.
- c. Day care center, if the drop off or outdoor play area is more than one hundred (100) feet from a residential district.
- d. Personal wireless service facilities; minor, subject to the requirements of sections 1.906, 3.100 and 7.200.
- e. Temporary buildings for uses incidental to construction work, to be removed upon completion or abandonment of construction work.

B. *Uses permitted by a conditional use permit.*

- 1. Adult uses (see section 1.403 for criteria).
- 2. Automated carwash.

3. **BARS AND COCKTAIL LOUNGES (SEE SECTION 1.403 FOR CRITERIA).**

34. Big box. Any single retail space (limited to permitted retail uses in this C-2 district) with a building footprint of equal to or greater than seventy-five thousand (75,000) square feet, if:

- a. Primary access is on a local residential street; or
- b. Residential zoned property is located within one thousand three hundred (1,300) feet of the Big box property line (except residential zoned properties separated from the Big box by the Pima Freeway or developed with non-residential uses).

However, Big box is not permitted in the Environmentally Sensitive Lands Supplementary District.

For Use Permit Provisions and Criteria, See Section 1.403.

- 45. Bus station, excluding overnight parking and storage of buses.
- 56. Day care center, if the drop off or outdoor play area is within one hundred (100) feet from a residential district (see section 1.403 for criteria).
- 67. Funeral home and chapel.
- 78. Game center.
- 89. Gasoline service station (see section 1.403 for criteria).
- 910. Health studio.
- 1011. Live entertainment (see section 1.403 for criteria).
- 112. Personal wireless service facilities; major, subject to the requirements of sections 1.400, 3.100 and 7.200.
- 1213. Plant nursery (see section 1.403 for criteria).
- 1314. Pool hall.
- 1415. Residential health care facility (see section 1.403 for criteria).
- 1516. Teen dance center (see section 1.403 for criteria).
- 1617. Internalized community storage (see section 1.403 for criteria).
- 1718. Restaurant with associated microbrewery with limited wholesale and retail sales of the brewed product, where the floor area utilized for brewing, bottling and/or packaging occupies no more than thirty (30) percent of the floor area of the establishment.
- 1819. Seasonal art festival.

Sec. 5.1500. (C-3) Highway Commercial District.

Sec. 5.1503. Use regulations.

A. *Permitted uses.* Buildings, structures, or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:

- 1. Business and professional services.
  - a. Business and professional offices.
  - b. Business schools.
  - c. Hospitals for animals including boarding and lodging; provided that there shall be no open kennels maintained and provided that all facilities will be in soundproof buildings.
  - d. Medical or dental office including laboratory.
  - e. Optician.
  - f. Studio for professional work or teaching of any form of commercial or fine arts.
  - g. Municipal uses.
  - h. Private and charter school having no room regularly used for housing or sleeping overnight. Subject to Development Review Board approval and compliance with standards including, but not limited to, the following as well as those otherwise required in the district.
    - (1) Location: All proposed private and charter schools shall be located a minimum of five hundred (500) feet from any adult use.
    - (2) Lot area: The minimum lot area shall be equal to that required for the district, except that no lot shall be less than forty-three thousand (43,000) square feet (net).
    - (3) There shall be no outside speaker system or bells, if the school building

is within one hundred (100) feet of a single-family dwelling or multifamily dwelling unit.

- (4) Open space: Per underlying zoning district open space requirements. All NAOS requirements of the district must be met and may be applied towards the overall open space requirements subject to compliance with NAOS standards.
- (5) Parking: Parking shall observe the front yard setbacks of the district for all frontages. One-third ( 1/3) of the required parking may be shared parking with other establishments present on site. Parking shall be located and screened per the requirements of the district.
- (6) Outdoor recreation area: All outdoor playgrounds and recreation areas shall be enclosed by a wall or fence sufficient in height to protect the safety and welfare of the students and shall be located within the side or rear yard. Any playground or outdoor recreation area shall be located a minimum of fifty (50) feet from any residential district and screened by a minimum six-foot high wall.
- (7) Drop-off area: A drop-off area accommodating a minimum of five (5) vehicles shall be located along a sidewalk or landing area connected to the main entrance to the school. This area shall not include internal site traffic aisles, parking spaces, fire lanes, etc.
- (8) Any public trails or pedestrian connections shall be incorporated into the site plan and approved by the Development Review Board.
- (9) Circulation plan: The applicant shall submit a circulation plan to insure minimal conflicts between the student drop-off area, potential van and bus drop-off area, parking, access driveways, pedestrian and bicycle paths on site.

2. Retail sales.

- a. Antique store.
- b. Appliance store.
- c. Art gallery.
- d. Automobile parts store.
- e. Awning or canvas sales store.
- f. Bakery.
- ~~g. Bars and cocktail lounges without live entertainment.~~
- hg. Bicycle store.
- ih. Big box. Any single retail space (limited to permitted retail uses in this C-3 district) with a building footprint of equal to or greater than seventy-five thousand (75,000) square feet, if:
  - (1) Primary access is not on a local collector street; and
  - (2) Residential zoned property is not located within one thousand three hundred (1,300) feet of the Big box property line (except residential zoned properties separated from the Big box by the Pima Freeway or developed with non-residential uses).

However, Big box is not permitted in the Environmentally Sensitive Lands Supplementary District.

Also See Sections 1.403 and 5.1503.B.

- ji. Bookstore.
- kj. Camera store.

- lk. Candy store.
  - ml. Carpet and floor covering store.
  - nm. Clothing store.
  - on. Craft shop conducted in conjunction with retail business which may include ceramics, mosaics, fabrics, jewelry, leather goods, silk screening, dress designing, sculpturing and wood carving.
  - po. Department store.
  - qp. Drugstore.
  - rq. Electronic equipment store.
  - sr. Fabric store.
  - ts. Feed store.
  - ut. Florist.
  - vu. Furniture store.
  - wv. Gift shop.
  - xw. Grocery store or supermarket.
  - yx. Gun shop.
  - zy. Hardware store.
  - aa. Hobby or toy store.
  - baa. Home improvement store.
  - eebb. Ice cream store.
  - edcc. Ice distributing station.
  - eedd. Import store.
  - ffee. Jewelry store.
  - ggff. Liquor store.
  - hhgg. Music store.
  - ihhh. Pawnshop.
  - jjii. Pet shop.
  - kkjj. Plant nursery.
  - llkk. Restaurant.
  - mmll. Restaurant, drive-through and drive-in.
  - nnmm. Sporting good store.
  - oenn. Stationery store.
  - ppoo. Swimming pool supply store.
  - qqpp. Variety store.
  - rrqq. Restaurant with associated microbrewery where brewed beer is consumed only on-premises and brewery occupies no more than fifteen (15) percent of the floor area of the establishment.
3. Wholesale sales. Wholesale sales of any commodity allowed as retail sales in the C-3 district.
  4. Services.
    - a. Animal boarding kennel, provided that there shall be no open kennels maintained and provided that all facilities will be in soundproof buildings.
    - b. Appliance repair.
    - c. Bank.

- d. Barber or beauty shop.
  - e. Bowling alley.
  - f. Broadcasting station and studio, radio or television excluding sending or receiving tower except as provided in section 5.1503B.
  - g. Clothes cleaning agencies and laundromats, excluding industrial cleaning and dyeing plants.
  - h. Coin-operated carwash.
  - i. Fitness studio.
  - j. Frozen food locker.
  - k. Gymnasium, racquet, paddle or handball courts.
  - l. Hotel, motel, and timeshare project.
  - m. Movie theater (indoor only).
  - n. Museum.
  - o. Post office.
  - p. Printing, lithography, publishing or photostating establishment.
  - q. Private clubs, fraternities, sororities and lodges.
  - r. Recyclable material collection center.
  - s. Shoe repair shop.
  - t. Swimming pool sales office, including display pools only; but excluding construction equipment storage yard.
  - u. Taxidermist.
  - v. Telephone answering service.
  - w. Turkish bath that may include masseur and/or masseuse.
  - x. Upholstery shop, furniture, provided all activity and storage is within a completely enclosed building.
5. Other uses.
- a. Accessory buildings.
  - b. Churches and places of worship.
  - c. Day care center, if the drop off or outdoor play area is more than one hundred (100) feet from a residential district.
  - d. Personal wireless service facilities; minor, subject to the requirements of sections 1.906, 3.100 and 7.200.
  - e. Temporary buildings for uses incidental to construction work, to be removed upon completion or abandonment of construction work.
- B. *Uses permitted by a conditional use permit.*
- 1. Adult uses (see section 1.403 for criteria).
  - 2. Amusement park.
  - 3. Automated carwash.
  - 4. Automobile rental or leasing (see section 1.403 for criteria regarding outdoor vehicular display).
  - 5. Automobile sales, new (see section 1.403 for criteria regarding outdoor vehicular display).
  - 6. Automobile sales, used (see section 1.403 for criteria regarding outdoor vehicular display).
  - 7. Automotive repair, excluding body and paint shops (see section 1.403 for criteria

regarding outdoor vehicular display).

**8. BARS AND COCKTAIL LOUNGES (SEE SECTION 1.403 FOR CRITERIA).**

**89.** Big box. Any single retail space (limited to permitted retail uses in this C-3 district) with a building footprint of equal to or greater than seventy-five thousand (75,000) square feet, if:

- a. Primary access is on a local residential street; or
- b. Residential zoned property is located within one thousand three hundred (1,300) feet of the Big box property line (except residential zoned properties separated from the Big box by the Pima Freeway or developed with non-residential uses).

However, Big box is not permitted in the Environmentally Sensitive Lands Supplementary District.

For Use Permit Provisions and Criteria, See Section 1.403.

- 910.** Boat sales (see section 1.403 for criteria regarding outdoor vehicular display).
- 4011.** Bus station, excluding overnight parking and storage of buses.
- 4112.** Commercial parking lot.
- 4213.** Community buildings and recreational facilities not publicly owned.
- 4314.** Day care center, if the drop off or outdoor play area is within one hundred (100) feet of a residential district (see section 1.403 for criteria).
- 4415.** Drive-in theater.
- 4516.** Equipment sales rental and storage yard (see section 1.403 for criteria regarding outdoor vehicular display).
- 4617.** Funeral home and chapel.
- 4718.** Game center.
- 4819.** Gasoline service station (see section 1.403 for criteria).
- 4920.** Health studio.
- 2021.** Live entertainment (see section 1.403 for criteria).
- 2122.** Miniature golf course.
- 2223.** Motorcycle sales (see section 1.403 for criteria regarding outdoor vehicular display).
- 2324.** Outdoor sales display area.
- 2425.** Personal wireless service facilities; major, subject to the requirements of sections 1.400, 3.100 and 7.200.
- 2526.** Pool hall.
- 2627.** Recreational vehicle and camper sales (see section 1.403 for criteria regarding outdoor vehicular display).
- 2728.** Residential health care facility (see section 1.403 for criteria).
- 2829.** Sports arena.
- 2930.** Teen dance center (see section 1.403 for criteria).
- 3031.** Tire store excluding retreading.
- 3132.** Unoccupied recreational vehicle storage.
- 3233.** Upholstery shop, automotive.
- 3334.** Internalized community storage (see section 1.403 for criteria).
- 3435.** Restaurant with associated microbrewery with limited wholesale and retail sales of the brewed product, where the floor area utilized for brewing, bottling and/or packaging occupies no more than thirty (30) percent of the floor area of the establishment.
- 3536.** Seasonal art festival.

Sec. 5.2500. (P.C.C.) Planned Community Center.

Sec. 5.2503. Use regulations.

A. *Permitted uses.* Buildings, structures, or premises shall be used and buildings and structure shall hereafter be erected, altered or enlarged for the following uses:

1. Business and professional services.
  - a. Business and professional office.
  - b. Hospital for animals including boarding and lodging provided that there are no open kennels maintained and provided all activities will be conducted in soundproof buildings.
  - c. Optician.
  - d. Studio for professional work or teaching of any form of commercial or fine arts.
  - e. Municipal uses.
  - f. Private and charter school having no room regularly used for housing or sleeping. Subject to Development Review Board approval and compliance with standards including, but not limited to, the following as well as those otherwise required in the district.
    - (1) Location: All proposed private and charter schools shall be located a minimum of five hundred (500) feet from any adult use.
    - (2) Lot area: The minimum lot area shall be equal to that required for the district, except that no lot shall be less than forty-three thousand (43,000) square feet (net).
    - (3) There shall be no outside speaker system or bells, if the school building is within one hundred (100) feet of a single-family dwelling or multifamily dwelling unit.
    - (4) Open space: Per underlying zoning district open space requirements. All NAOS requirements of the district must be met and may be applied towards the overall open space requirements subject to compliance with NAOS standards.
    - (5) Parking: Parking shall observe the front yard setbacks of the district for all frontages. One-third ( 1/3) of the required parking may be shared parking with other establishments present on site. Parking shall be located and screened per the requirements of the district.
    - (6) Outdoor recreation area: All outdoor playgrounds and recreation areas shall be enclosed by a wall or fence sufficient in height to protect the safety and welfare of the students and shall be located within the side or rear yard. Any playground or outdoor recreation area shall be located a minimum of fifty (50) feet from any residential district and screened by a minimum six-foot high wall.
    - (7) Drop-off area: A drop-off area accommodating a minimum of five (5) vehicles shall be located along a sidewalk or landing area connected to the main entrance to the school. This area shall not include internal site traffic aisles, parking spaces, fire lanes, etc.
    - (8) Any public trails or pedestrian connections shall be incorporated into the site plan and approved by the Development Review Board.
    - (9) Circulation plan: The applicant shall submit a circulation plan to insure

minimal conflicts between the student drop-off area, potential van and bus drop-off area, parking, access driveways, pedestrian and bicycle paths on site.

2. Residential.
  - a. Dwelling units physically integrated with commercial establishments.
3. Retail sales.
  - a. Antique store.
  - b. Appliance store.
  - c. Art gallery.
  - d. Bakery.
  - ~~e. Bars and cocktail lounges without live entertainment.~~
  - ~~fe.~~ Bicycle store.
  - ~~gf.~~ Big box. Any single retail space (limited to permitted retail uses in this P.C.C. district) with a building footprint of equal to or greater than seventy-five thousand (75,000) square feet, if:
    - (1) Primary access is not on a local collector street; and
    - (2) Residential zoned property is not located within one thousand three hundred (1,300) feet of the Big box property line (except residential zoned properties separated from the Big box by the Pima Freeway or developed with non-residential uses).

However, Big box is not permitted in the Environmentally Sensitive Land Supplementary District.

Also See Sections 1.403 and 5.2503.B.

- ~~hg.~~ Bookstore.
- ~~ih.~~ Camera store.
- ~~ji.~~ Candy store.
- ~~kj.~~ Carpet and floor covering store.
- ~~lk.~~ Clothing store.
- ~~ml.~~ Craft shop conducted in conjunction with retail business.
- ~~nm.~~ Drugstore.
- ~~on.~~ Electronic equipment store.
- ~~po.~~ Fabric store.
- ~~qp.~~ Florist.
- ~~rq.~~ Furniture store.
- ~~sr.~~ Gift shop.
- ~~ts.~~ Grocery store or supermarket.
- ~~ut.~~ Hardware store.
- ~~vu.~~ Hobby or toy store.
- ~~wv.~~ Home improvement store.
- ~~xw.~~ Ice cream store.
- ~~yx.~~ Import store.
- ~~zy.~~ Jewelry store.
- ~~aaz.~~ Jr. department store.

- ~~bb~~aa. Liquor store.
- ~~ee~~bb. Music store.
- ~~dd~~cc. Pet shop.
- ~~ee~~dd. Restaurant or cafe, excluding drive-in and drive-through types.
- ~~ff~~ee. Sporting goods store.
- ~~gg~~ff. Stationery store.
- ~~hh~~gg. Swimming pool supply store.
- ~~ii~~hh. Variety store.
- 4. Services.
  - a. Appliance repair.
  - b. Bank.
  - c. Barber or beauty shop.
  - d. Clothes cleaning agencies and laundromats.
  - e. Day care center, if the drop off or outdoor play area is more than one hundred (100) feet from a residential district.
  - f. Fitness studio.
  - g. Movie theater, indoor only.
  - h. Personal wireless service facilities; minor, subject to the requirements of sections 1.906, 3.100 and 7.200.
  - i. Recyclable material collection center.
  - j. Shoe repair shop.
  - k. Travel agency.
- B. *Uses subject to conditional use permit.*
- 1. **BARS AND COCKTAIL LOUNGES (SEE SECTION 1.403 FOR CRITERIA).**
- 42. Big box. Any single retail space (limited to permitted retail uses in this P.C.C. district) with a building footprint of equal to or greater than seventy-five thousand (75,000) square feet, if:
  - a. Primary access is on a local residential street; or
  - b. Residential zoned property is located within one thousand three hundred (1,300) feet of the Big box property line (except residential zoned properties separated from the Big box by the Pima Freeway or developed with non-residential uses).

However, Big box is not permitted in the Environmentally Sensitive Lands Supplementary District.

For Use Permit Provisions and Criteria, See Section 1.403.
- 23. Community buildings and recreational facilities not publicly owned.
- 34. Gasoline service station (see section 1.403 for criteria).
- 45. Day care center, if the drop off or outdoor play area is within one hundred (100) feet from a residential district (see section 1.403 for criteria).
- 56. Health studio.
- 67. Internalized community storage (see section 1.403 for criteria).
- 78. Live entertainment (see section 1.403 for criteria).
- 89. Personal wireless service facilities; major, subject to the requirements of sections 1.400, 3.100 and 7.200.
- 910. Seasonal art festival.
- 4011. Public utility buildings, structures or appurtenances thereto for public service uses.

Sec. 5.2600. (P.R.C.) Planned Regional Center.

Sec. 5.2603. Use regulations.

A. *Permitted uses.* Buildings, structures or premises shall be used and building and structures shall hereafter be erected, altered or enlarged for the following uses:

1. Retail sales.

- a. Apparel and accessories stores such as men's and boys clothing and furnishings, women's wear and accessories, children's and infant's wear, family clothing, shoes, custom tailoring, fur apparel, clothing rentals, and fabrics.
- b. Automotive parts store.
- c. Big box, meaning any single retail space (limited to permitted retail uses in this P.R.C. district) with a building footprint of equal to or greater than seventy-five thousand (75,000) square feet.
- d. Books, newspaper, magazine or stationery stores.
- e. Camera or photographic supply stores.
- f. Cigar, tobacco, cigarette stores.
- g. Drug and proprietary stores.
- h. Florists.
- i. Eating ~~and drinking~~ places ~~without live entertainment or patron dancing~~.
- j. Food stores and groceries such as grocers, delicatessens, meats and fish, fruits and vegetables, candy, nut, confectionery, dairy products, and bakeries.
- k. Furniture, home furnishings and equipment stores such as furniture, inside window coverings, china, glassware, metalware, household appliances, radios and televisions, music supplies and equipment, and home and portable business computers.
- l. General merchandise stores including department, variety, antiques, catalogue sales outlet, and warehouse clubs.
- m. Gift, novelty, import, art, jewelry or souvenir stores.
- n. Hobby or toy stores.
- o. Home improvement stores including but not limited to paint, glass, wallpaper, and carpet.
- p. Liquor stores.
- q. New motor vehicles stores with display and storage enclosed within a building and no service area.
- r. Petshops.
- s. Sporting goods and bicycles.
- t. Swimming pool and patio supplies and accessories.

2. Services.

- a. Broadcasting studio without towers.
- b. Business services including blueprinting and photocopying, printing, mailing services, office equipment rentals and photofinishing services.
- c. Personal wireless service facilities; minor, subject to the requirements of sections 1.906, 3.100 and 7.200.

- d. Educational services including art and music schools, dancing schools, extensions of colleges or universities and day care center.
- e. Finance, insurance and real estate services including banking and bank-related services, savings and loan associations, securities, brokers and dealers, insurance agents and brokers, and real estate agents and brokers and associated services and headquarters.
- f. Governmental services.
- g. Hospital for animals including boarding and lodging provided that there are no open kennels and provided that all activities are conducted in soundproof buildings.
- h. Medical services including offices for physicians, dentists, osteopaths, chiropractors, opticians, optometrists and group health services with ancillary laboratories excluding any services requiring overnight patient stays.
- i. Personal services including laundering and dry cleaning services, photographic services, beauty shops, barber shops, and shoe repair and shining.
- j. Private business, professional and civic clubs and associations.
- k. Professional services including legal services; engineering, interior design and architectural services; and accounting, auditing and bookkeeping services, and consulting services.
- l. Recyclable material collection.
- m. Repair services including appliance repair, watch, clock and jewelry repair, and upholstery shop.
- n. Restaurant.
- o. Taxidermist.
- p. Travel agency.
- q. Video tape rental.
- r. Private and charter school having no room regularly used for housing or sleeping overnight. Subject to Development Review Board approval and compliance with standards including, but not limited to, the following as well as those otherwise required in the district.
  - (1) Location: All proposed private and charter schools shall be located a minimum of five hundred (500) feet from any adult use.
  - (2) Lot area: The minimum lot area shall be equal to that required for the district, except that no lot shall be less than forty-three thousand (43,000) square feet (net).
  - (3) There shall be no outside speaker system or bells, if the school building is within one hundred (100) feet of a single-family dwelling or multifamily dwelling unit.
  - (4) Open space: Per underlying zoning district open space requirements. All NAOS requirements of the district must be met and may be applied towards the overall open space requirements subject to compliance with NAOS standards.
  - (5) Parking: Parking shall observe the front yard setbacks of the district for all frontages. One-third ( 1/3 ) of the required parking may be shared parking with other establishments present on site. Parking shall be located and screened per the requirements of the district.
  - (6) Outdoor recreation area: All outdoor playgrounds and recreation areas shall be enclosed by a wall or fence sufficient in height to protect the

safety and welfare of the students and shall be located within the side or rear yard. Any playground or outdoor recreation area shall be located a minimum of fifty (50) feet from any residential district and screened by a minimum six-foot high wall.

- (7) Drop-off area: A drop-off area accommodating a minimum of five (5) vehicles shall be located along a sidewalk or landing area connected to the main entrance to the school. This area shall not include internal site traffic aisles, parking spaces, fire lanes, etc.
    - (8) Any public trails or pedestrian connections shall be incorporated into the site plan and approved by the Development Review Board.
    - (9) Circulation plan: The applicant shall submit a circulation plan to insure minimal conflicts between the student drop-off area, potential van and bus drop-off area, parking, access driveways, pedestrian and bicycle paths on site.
  3. Cultural, entertainment and recreation.
    - a. Churches, synagogues, and temples.
    - b. Cultural activities including libraries and museums.
    - c. Game center and arcade.
    - d. Pool or billiards parlor.
    - e. Public assembly facilities including indoor motion picture theaters and legitimate theaters.
    - f. Recreational facilities including ice skating, roller skating, bowling, gymnasiums, health and fitness centers.
  4. Residential.
    - a. Hotels, motels, and inns.
    - b. Multifamily residential.
  - B. *Uses subject to a conditional use permit.*
    1. Automobile rental.
    2. Automobile repair and service.
    3. Automobile wash services excluding self-operated.
    4. Automotive tires, batteries and accessories.
    5. **BARS AND COCKTAIL LOUNGES (SEE SECTION 1.403 FOR CRITERIA).**
    - ~~56.~~ Broadcasting studios with towers.
    67. Business school.
    - ~~78.~~ Gasoline sales and service stations.
    - ~~89.~~ Indoor aquarium.
    - ~~910.~~ Live entertainment (see section 1.403 for criteria).
    - ~~4011.~~ New and used motor vehicle sales including outdoor storage.
    - ~~4112.~~ Outdoor recreational facilities which are greater than two (2) acres in size such as miniature golf, tennis center, water parks or play structures.
    - ~~4213.~~ Personal wireless service facilities; major, subject to the requirements of sections 1.400, 3.100 and 7.200.
    - ~~4314.~~ Planetaria.
    - ~~4415.~~ Plant nursery.
    - ~~4516.~~ Teen dance center.

1617. Seasonal art festival.

Sec. 5.2700. (P.Co.C.) Planned Convenience Center.

Sec. 5.2703. Use regulations.

A. *Permitted uses.* Buildings, structures, or premises shall be used and buildings and structure shall hereafter be erected, altered or enlarged for the following uses:

1. Retail sales.
  - a. Grocery store (limited to three thousand (3,000) square feet of gross floor area).
  - b. Restaurant (limited to one thousand (1,000) square feet of gross floor area).
  - c. Food service shop--Pick-up and delivery only (limited to one thousand (1,000) square feet of gross floor area).
  - d. Bakery.
  - e. Delicatessen (limited to one thousand (1,000) square feet of gross floor area).
  - f. Health food.
  - g. Ice cream.
  - h. Pizza.
  - i. Gift shop.
  - j. Bookstore.
  - k. Video rental.
  - l. Hobby shop.
  - m. Bicycle shop.
2. Services (limited to one-thousand (1,000) square feet of gross floor area per use).
  - a. Barbershop.
  - b. Bank or financial institution with no drive through lane.
  - c. Beauty shop.
  - d. Laundromat and/or dry cleaner.
  - e. Shoe repair.
  - f. Tailoring shop.
  - g. Bicycle repair shop.
  - h. Florist shop.
  - i. Utility payment store.
  - j. Dance studio/fitness center.
  - k. Pet grooming shop.
  - l. Mail service store.
  - m. Office where professional, administrative, clerical, or sales services are rendered.
  - n. Accountant office.
  - o. Insurance agency.
  - p. Photography studio.
  - q. Photo processing shop.
  - r. Real estate office.
  - s. Travel agency.

3. Residential. Dwelling units located in conjunction with commercial buildings (refer to section 5.2704.A).
4. Municipal uses.
5. Day care center, if the drop off or outdoor play area is more than one hundred (100) feet from a residential district.
6. Personal wireless service facilities; minor, subject to the requirements of sections 1.906, 3.100 and 7.200.
7. Banks.
- B. *Uses permitted by conditional use permit.*
  1. Bank or financial institutions with a drive through, provided that:
    - A. A separation is provided between pedestrians and the bank drive through lane.
    - B. The criteria in Section 1.403 is satisfied.
    - C. The maximum gross square footage is 3,000 square feet (This square footage requirement shall supersede the square footage allowed in section 1.403).
  2. Personal wireless service facilities; major, subject to the requirements of sections 1.400, 3.100 and 7.200.
  3. Day care center, if the drop off or outdoor play area is within one hundred (100) feet from a residential district (see criteria, article I, section 1.403).
  4. BarS or cocktail loungeS limited to beer and wine.
    - a. No entertainment.
    - b. Maximum one thousand (1,000) square feet.
    - c. **SEE SECTION 1.403 FOR ADDITIONAL CRITERIA.**
  5. Gasoline sales as an accessory use to a grocery store.